



LEGISLATIVE COUNCIL

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GENERAL PURPOSE STANDING COMMITTEE NO 1

# **Inquiry into Multiculturalism**

## **Interim Report**

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Ordered to be printed 31 May 2000

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General Purpose Standing Committee No 1

# **Inquiry into Multiculturalism**

## Interim Report

Ordered to be printed 31 May 2000

## **How to contact the Committee**

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ISBN 0-7347-6401-4

## Terms of Reference

That General Purpose Standing Committee No 1 inquire and report on multiculturalism in NSW and in particular:

1. The impact of the Government's *Community Relations Commission and Principles of Multiculturalism Bill 1999* on:
  - a) multiculturalism in New South Wales;
  - b) the efficacy of Government Departments and Agencies performance in accordance with the Ethnic Affairs Policy Statements (EAPS) and strategies for improvement in relation to EAPS.
  - c) the adequacy and efficacy of multicultural services in the public, private and community sectors to address the needs of people from non-English speaking backgrounds.
2.
  - a) the needs and aspirations of artists and communities of non-English speaking backgrounds and possible strategies to meet those needs and aspirations;
  - b) the appropriateness and efficiency of government administrative processes and procedures and funding, for the further improvement of multicultural arts in New South Wales;
  - c) the circumstances surrounding the proposed de-funding of the Multicultural Arts Alliance; and
  - d) the future of multicultural arts as a significant part of the policy of multiculturalism in New South Wales.
3.
  - a) the role of Carnivale in promoting contemporary multicultural arts practice;
  - b) the funding of Carnivale, including direct Government funding; and
  - c) the role of the Board of Carnivale and measures adopted by the Board to independently manage and deliver on its objectives to the community.

These terms of reference were adopted by the Committee on the motion of the Hon James Samios MLC at a meeting of the Committee held on 2 February 2000.

## **Committee Membership**

The Rev Hon Fred Nile MLC, *Chairman*

Christian Democratic Party

The Hon Tony Kelly MLC, *Deputy Chairman*

Australian Labor Party

The Hon Doug Moppett MLC

National Party

The Hon Peter Primrose MLC

Australian Labor Party

The Hon James Samios MLC<sup>1</sup>

Liberal Party

The Hon Henry Tsang MLC

Australian Labor Party

The Hon Dr Peter Wong MLC

Unity Party

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<sup>1</sup> The Hon James Samios MLC represented the Hon Patricia Forsythe MLC for the purposes of this inquiry.

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## Chairman's Foreword

The announcement by the Premier, in April 1999, that he intended to replace the Ethnic Affairs Commission with a Community Relations Commission and change his portfolio responsibility from Minister for Ethnic Affairs to Minister for Citizenship was unexpected.

The release of *The Way Forward: A Consultation Document Leading to a Community Relations Commission* provided an opportunity for individuals and organisations to comment on the Premier's proposal. Following the consultation period, the Community Relations Commission and Principles of Multiculturalism Bill 1999 was introduced into the Legislative Assembly on 23 September 1999. While there was considerable support for the substance of the Bill, concerns were raised about the proposed new name of the Commission with many advocating the inclusion of the word 'multicultural'. The Bill lay on the table until May 2000, when debate resumed in the Legislative Assembly. In the interim, further community consultation was undertaken with meetings held in regional and metropolitan centres.

On 2 February 2000, General Purpose Standing Committee No 1 resolved to inquire into and report on a reference relating to multiculturalism in New South Wales. The Committee's terms of reference related to the impact of the Bill, and to issues associated with multicultural arts. To inform as many members of the community who might have an interest in the inquiry, the Committee took the unprecedented step of advertising in a large number of newspapers published in languages other than English. Advertisements appeared in 23 newspapers, in a total of 19 languages. The closing date for written submissions was 20 April 2000. The Committee received a total of 96 submissions and 6 supplementary submissions, demonstrating a significant level of interest in the inquiry.

With resumption of the second reading debate due to resume in the Legislative Assembly, the Committee resolved to focus on that part of the terms of reference relating to the impact of the Bill. The Committee's intention was to table a report in the Legislative Council to assist Members in their consideration of the Bill. The Committee's public hearings provided an opportunity for 43 witnesses to give oral evidence to the Committee.

The Committee's inquiry has been conducted during a time when a vocal minority are feeling threatened by multiculturalism. This has contributed to a move away from use of the term 'ethnic', but this should not undermine the importance of appreciating and promoting the benefits our State gains from its ethnically diverse population. The 'Principles of Multiculturalism' championed in the Bill make an important statement about the society we live in and have received strong support throughout the inquiry.

The proposed name of the Commission has proved more contentious. The Committee has built on the compromise position suggested by Mr Neville Roach of the Council for Multicultural Australian together with representatives of Chinese community organisations. This has led to the Committee's key recommendation that the Bill be supported, with an amendment that the Commission may use the phrase 'for a Multicultural New South Wales' in conjunction with the name of the Commission.

I thank my fellow Committee Members and the staff who assisted in the preparation of this report, Anna McNicol, Committee Director, Marie Swain, Research Officer Law/Social Issues from the Parliamentary Library Research Service and Committee Officer Phaedra Parkins. I would also like to particularly thank the Manager of the Parliamentary Library Research Service, David Clune, and the Parliamentary Librarian for enabling us to take advantage of Marie's skills. Acknowledgment must also be given to assistance by Warren Cahill, Clerk Assistant Committees and Usher of the Black Rod.

I commend this report to the Legislative Council and to the Government.

**The Rev Hon Fred Nile MLC**

Chairman

# Glossary and Abbreviations

## Glossary

- Assimilation:* altering one culture's social characteristics to conform to those of another culture, usually the dominant or majority group.
- Community relations:* the relationship between groups of differing cultural background (sometimes called race relations)
- Cultural diversity:* the Bill defines cultural diversity as the different linguistic, religious, racial and ethnic backgrounds of the people of New South Wales.
- EAPS:* In the early 1980s this acronym was used to refer to Ethnic Affairs Policy Statements which were plans to be adopted by government agencies in relation to the management and delivery of services to a culturally diverse society. After the introduction of the Charter of Principles for a Culturally Diverse Society in 1993, these plans were re-named Statements of Intent. In 1995, the EAPS acronym was again used. While the intent was generally the same, the definition was varied to become Ethnic Affairs Priority Statements.
- Ethnicity/ethnic:* social characteristics based on national, linguistic and/or religious backgrounds.
- Integration:* fitting into mainstream society on an equitable basis without necessarily abandoning distinctive cultural traits
- Multiculturalism:* the following definition was put forward by the National Multicultural Advisory Council in 1999:
- Australian Multiculturalism is a term which recognises and celebrates Australia's cultural diversity. It accepts and respects the right of all Australians to express and share their individual cultural heritage within an overriding commitment to Australia and the basic structures and values of Australian democracy. It also refers to the strategies, policies and programs that are designed to:
- make our administrative, social and economic infrastructure more responsive to the rights, obligations and needs of our culturally diverse population;
  - promote social harmony among the different cultural groups in our society;
  - optimise the benefits of our cultural diversity for all Australians.<sup>2</sup>

<sup>2</sup> National Multicultural Advisory Council, *Australian multiculturalism for a new century: Towards inclusiveness*, April 1999, p36.

## **Abbreviations**

CRC	Community Relations Commission
EAC	Ethnic Affairs Commission
EAPS	Ethnic Affairs Policy Statements (1980s to 1993)
	Ethnic Affairs Priority Statements (1995 – present)
ECC	Ethnic Communities Council
NESB	non-English speaking background
NMAC	National Multicultural Advisory Council

## Key developments in the area of ethnic affairs 1964 -2000

- 1964** Commonwealth: The Commonwealth Department of Immigration Assimilation Section becomes the Integration Section.
- 1965/66** NSW: The State Immigration Advisory Committee is established. The Committee is mainly concerned with attracting more migrants to New South Wales, but also dealt with problems affecting migrants already here.
- Dec 1972** Commonwealth: Reforms in the area of ethnic affairs begin. Ethnic affairs falls under the responsibility of the Minister for Immigration.
- 1973** The White Australia policy officially ends, with the introduction of a non-discriminatory immigration policy. The Federal Committee on Community Relations is established.
- 1974** The Ethnic Affairs portfolio becomes the responsibility of the Minister for Labor and Immigration.
- Jan 1975** NSW: Following a review of the New South Wales machinery of government the scope of the portfolio of the Minister for Youth and Community Services is broadened to include responsibility for ethnic affairs. The Department for Youth, Ethnic and Community Affairs is established and an Ethnic Affairs Bureau is established within the Department's Community Liaison Bureau. The work of the Bureau involves liaison with other government departments and with groups in the community, attention to complaints and the production of schemes to facilitate access to services generally. It is allocated \$125,000 in its first year of operation.
- The Consultative Council on Ethnic Affairs is established as an advisory body to the Minister. It is made up of 15 members, drawn from the various ethnic groups and appointed from relevant State Government Departments. To ensure the contribution of views is from as wide a cross section of ethnic groups as possible, Cabinet also appoints an Advisory Committee on Ethnic Affairs for each of the 10 country regions. Each Committee has five members and is to give particular attention to special problems affecting ethnic groups in their respective regions. The Committees are serviced by officers of the Department in each region.
- Jun 1975** Commonwealth: The Federal Parliament passed the Racial Discrimination Act.
- Jul 1975** The Ethnic Communities' Council [which had begun as the Inner Western Suburbs Regional Ethnic Communities' Group in 1974] commenced operation.
- 1976** Ethnic Affairs becomes the responsibility of the re-constituted Department of Immigration and Ethnic Affairs.

NSW: The Ethnic Affairs Bureau is transferred to the Premier's Department where it remains until 1979 when it is fused with the Ethnic Affairs Commission.

The creation of an Ethnic Affairs Commission is announced.

**Nov 1976**

The Ethnic Affairs Commission Bill is introduced into the Legislative Assembly.

**1977**

Parliament passes the NSW Anti-Discrimination Act.

**2 May 1977**

The Ethnic Affairs Commission comes into operation. It is established to conduct an investigation into the functions of a permanent Ethnic Affairs Commission and ethnic affairs in general. The Commission has 12 months to supply the Premier with a report recommending measures that the government might take in the area of Ethnic Affairs; and in particular, action that it considers necessary for promoting the integration of different ethnic groups.

**Jun 1978**

Commonwealth: The Galbally report (Report of Post-Arrival Programs and Services to Migrants: Migrant Services and Programs, Canberra, 1978) is published. The report lays down principles of multiculturalism:

- all members of our society must have equal opportunity to realise their full potential and must have equal access to programs and services;
- every person should be able to maintain his or her culture without prejudice or disadvantage and should be encouraged to understand and embrace other cultures;
- needs of migrants should, in general, be met by programs and services available to the whole community but special services and programs are necessary at present to ensure equality of access and provision;
- services and programs should be designed and operated in full consultation with clients, and self-help should be encouraged as much as possible with a view to helping migrants to become self-reliant quickly.

The report urges the creation of the Australian Institute of Multicultural Affairs, the use of ethnic-specific welfare workers, and the creation of Migrant Resource Centres. It also recommended the introduction of broadcasting in various languages. This leads to the creation of the Special Broadcasting Service (SBS) in 1978. Another feature of the Report was the emphasis it placed on English language learning, including the introduction of full-time on-arrival courses for adult migrants. Multiculturalism at this stage remains an immigrant settlement and integration policy.

**Jun 1978**

NSW: The Ethnic Affairs Commission of Inquiry presents its findings in the report entitled *Participation*. The 600 page Report contains 285 recommendations. This Report identifies as a key principle that: 'no individual or group in the community should be discriminated against or excluded from

the fullest participation in the social, economic, and cultural life of the community or from the fullest share of all opportunities the community offers'. It also specifies, for the first time, the strategies the State government will pursue to assist members of ethnic communities gain more equitable access to government services.

- 1979** Parliament passes the Ethnic Affairs Commission Bill creating the Commission as a statutory body. This Act repeals the earlier legislation.
- The Ethnic Affairs Commission reports on the status of recommendations made in *Participation*.
- Commonwealth: The Australian Institute of Multicultural Affairs is established with Frank Galbally as Chairman.
- Federation of Ethnic Communities' Council of Australia is established.
- 1980** SBS begins multicultural television transmission.
- 1981** Further report by the Ethnic Affairs Commission on the status of recommendations made in *Participation*.
- 1983** The Premier announces that all areas of the government's administration will be required to prepare Ethnic Affairs Policy Statements (EAPS) 'as a means of confirming the government's commitment to the incorporation of ethnic policies in the delivery of mainstream services'. This policy was referred to as 'mainstreaming'. EAPS are detailed plans aimed at improving government agencies' ability to manage and deliver services to a culturally diverse society. Government agencies are required to report annually to the Ethnic Affairs Commission on measures take in relation to EAPS compliance.
- Sep 1985** The Ethnic Affairs Commission releases: New South Wales Government, *A Decade of Achievement in Ethnic Affairs: 1976-1985*.
- Dec 1985** Commonwealth: The Commonwealth government establishes the Committee of Review of Migrant and Multicultural Policies and Services.
- 1986** Australian Institute of Multicultural Affairs is abolished.
- Nov 1986** The Report of the Committee of Review of Migrant and Multicultural Policies and Services, *Don't Settle for Less*, is released. The Report identifies four principles for multicultural policies, which provide for rights to:
- equitable opportunity of participation in the economic, social, cultural and political life of the nation;
  - equitable access to the resources managed by Government;

- equitable participation and consultation concerning Government policies, programs and services; and
- free use of language, culture and religion.

**1987**

The Commonwealth government creates the Office of Multicultural Affairs to replace the Australian Institute of Multicultural Affairs. The new body is located within the Department of the Prime Minister and Cabinet. An Advisory Council on Multicultural Affairs, which is to report to the Prime Minister, is also established. Ethnic Affairs becomes the responsibility of the Minister for Immigration, Local Government and Ethnic Affairs, who is also appointed as the Minister Assisting the Prime Minister for Multicultural Affairs.

**1989**

NSW: The Anti-Discrimination (Racial Vilification) Amendment Act is passed by the New South Wales Parliament.

Commonwealth: The Commonwealth government releases the *National Agenda for a Multicultural Australia*, which outlines the principles relevant to the implementation of multicultural policies. The report highlights three dimensions of multicultural policy, namely:

- cultural identity: the right of all Australians within carefully defined limits, to express and share their individual cultural heritage, including their language and religion;
- social justice: the right of all Australians to equality of treatment and opportunity, and the removal of barriers of race, ethnicity, culture, religion, language, gender or place of birth; and
- economic efficiency: the need to maintain, develop and use effectively the skills and talents of all Australians, regardless of their background

Multiculturalism policy moves from settlement service provision in the post-arrival period towards concern for access and equity issues for ethnic groups.

**1993**

NSW: The Charter of Principles for a Culturally Diverse Society changes the way in which New South Wales public agencies report on their ethnic affairs policies and programs.

**1994**

Commonwealth: The National Multicultural Advisory Council is established to review and update the *National Agenda for a Multicultural Agenda*.

**1995**

The National Multicultural Advisory Council issues its Report, *Multicultural Australia: the Next Steps, Towards and Beyond 2000*. The Report emphasises the need for active participation of non-English speaking background Australians in public affairs.

**1996**

Commonwealth: The Office of Multicultural Affairs is transferred to the new portfolio of Immigration and Multicultural Affairs.

NSW: The New South Wales Government releases the Green Paper entitled *Building on our Cultural Diversity* which examines the role of Government in the area of ethnic affairs. Following receipt and consideration of submissions, a White Paper is issued in late 1996 in which the strategies for implementing change are described.

- Nov 1996** The Ethnic Affairs Commission Amendment Bill (NSW) is enacted. The Act enshrines in legislation the principles for a culturally diverse society contained in the earlier Charter.
- Oct 1996** Commonwealth: The Prime Minister moves a Parliamentary Statement on Racial Tolerance in the House of Representatives, which is supported by the Opposition Leader and carried unanimously.
- 1997** The Federal government announces a new National Multicultural Advisory Council.
- The Federal Minister for Immigration and Multicultural Affairs launches a discussion paper, *Multicultural Australia: The Way Forward*, prepared by the National Multicultural Advisory Council in response to a government request to review multicultural policy, and to develop ideas that are relevant to contemporary Australia.
- Apr 1999** NSW: Premier Carr announces a plan to restructure the Ethnic Affairs Commission as the Community Relations Commission (CRC). The Premier changes the title of his Ethnic Affairs portfolio to Citizenship. Mr Iemma, the Minister for Public Works and Services, is given the additional responsibility of Minister Assisting the Premier on Citizenship.
- 5 May 1999** Commonwealth: The National Multicultural Advisory Council report, *Australian Multiculturalism for a New Century: Towards Inclusiveness*, is released. The report recommends improving and refocussing multiculturalism by, amongst other things, 'highlighting that Australian multiculturalism has been built on the evolving values of Australian democracy and citizenship', and 'ensuring that it adequately reflects the balance of rights and obligations expected of all citizens'.
- June 1999** *The Way Forward: A Consultation Document leading to a Community Relations Commission* is released. Public submissions are called for with a closing date of 30 July 1999.
- 23 September 1999** The Community Relations Commission and Principles of Multiculturalism Bill 1999 is introduced into the Legislative Assembly by Mr Iemma, the Minister for Public Works and Services, and the Minister Assisting the Premier on Citizenship. Its provisions reflect in large measure the issues canvassed in the earlier consultation paper, *Way Forward*.
- 2 February 2000** A Resolution is adopted by the Legislative Council General Purpose Standing Committee No 1, to inquire into and report on a reference relating to multiculturalism in New South Wales.

- Feb/Mar 2000**      The Committee advertises its inquiry appeared in the press, calling for written submissions on the Inquiry into Multiculturalism, with a closing date of 31 March 2000 (later extended to 20 April 2000).
- 4 May 2000**      The Community Relations Commission and Principles of Multiculturalism Bill is passed by the Legislative Assembly and forwarded to the Legislative Council for concurrence.

# Chapter 1 - Introduction

## 1.1 Conduct of the inquiry

On 2 February 2000 the Legislative Council's General Purpose Standing Committee No 1 (the Committee) resolved 'to inquire into and report on a reference relating to multiculturalism in New South Wales'.<sup>3</sup> The full Terms of Reference are set out at page iii. This Interim Report deals with part one of the terms of reference, namely:

- 1 The impact of the Government's Community Relations Commission and Principles of Multiculturalism Bill 1999 on:
  - (a) multiculturalism in New South Wales;
  - (b) the efficacy of Government Departments and Agencies performance in accordance with the Ethnic Affairs Policy Statements (EAPS) and strategies for improvement in relation to EAPS; and
  - (c) the adequacy and efficacy of multicultural services in the public, private and community sectors to address the needs of people from non-English speaking backgrounds.

The terms of reference for the inquiry were advertised in the Sydney Morning Herald on 19 February 2000, and called for written submissions by 31 March 2000. Advertisements were also placed in 22 ethnic newspapers in a total of 19 languages. Delays associated with translations of these advertisements resulted in a decision to extend the deadline for submissions until 20 April 2000. Advertisements in the ethnic newspapers ran during the period 27 March to 10 April 2000. Information about the names of publications in which advertisements appeared, the languages in which the advertisements appeared and the dates of the advertisements is provided at Appendix 1.

The Committee received 96 submissions and six supplementary submissions (see Appendix 2 for list of submissions). Of the 96 submissions received, 45 were from representative organisations and 51 were from individuals. With respect to the first part of the terms of reference, the issues most commonly referred to in the submissions were the name of the Commission, the functions of the Commission and the inclusion of citizenship in the principles of multiculturalism.

The Committee held public hearings on Monday 8 May, Tuesday 9 May and Monday, 22 May 2000, at which a total of 43 people gave oral evidence (see Appendix 3 for a list of witnesses).

At the conclusion of the hearing on 9 May 2000, the Committee resolved to request copies of a number of documents in the possession of the Premier's Department, the Cabinet Office and the Ethnic Affairs Commission, relating to the document *The Way Forward: A Consultation Document Leading to a Community Relations Commission*, including:

- (a) documents received in response to the document or invitations to comment on the document;

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<sup>3</sup> This information was given to the House on 5 April 2000, Minutes No 31, pp354-355.

- (b) documents prepared subsequent to or in response to invitations for comment on the document;
- (c) minutes of proceedings of the Ethnic Affairs Commission where the document or any related matters were considered, including any draft of a Bill providing for a Community Relations Commission; and
- (d) documents prepared in relation to the development of the provisions in the Community Relations Commission and Principles of Multiculturalism Bill 1999.

These documents were provided to the Committee on Monday 15 May 2000, and form part of the Committee's records for this inquiry.

## **1.2 Background to the inquiry**

The impetus for this Inquiry was the announcement by Premier Carr, on 8 April 1999, that it was his intention to replace the Ethnic Affairs Commission of New South Wales (the EAC) by a Community Relations Commission (CRC). The Premier further announced he would change his portfolio responsibility from Minister for Ethnic Affairs to Minister for Citizenship. In the new Carr Ministry, also announced on 8 April 1999, the Hon Morris Iemma MP, Minister for Public Works and Services, was given the additional responsibility of Minister Assisting the Premier on Citizenship.

In May 1999, the Legislative Council debated a motion, moved by Mr Samios and amended by Dr Wong, in relation to the term citizenship and the proposed change of name of the Commission.<sup>4</sup>

In June 1999, a document canvassing the proposed restructuring of the EAC to become the CRC, entitled *The Way Forward: A Consultation Document Leading to a Community Relations Commission*, was released. The document called for public submissions to be forwarded by 30 July 1999.

On 23 September 1999, a Bill entitled the Community Relations Commission and Principles of Multiculturalism Bill 1999 ('the Bill'), was introduced into the Legislative Assembly by Hon Morris Iemma MP. The provisions of the Bill reflected in large measure the issues canvassed in the consultation document. The Bill lay on the Table for some months before debate resumed in the first week of May 2000. The Bill was passed by the Legislative Assembly on 4 May 2000, however the Opposition foreshadowed that it would move amendments in the Legislative Council. At the time of writing, the Bill is being debated in the Legislative Council.

## **1.3 Structure of the Interim Report**

Chapter Two of this report examines the development of the Ethnic Affairs Commission of New South Wales and presents an overview of the legislation currently supporting it.

Chapter Three describes the genesis for a Community Relations Commission and provides information about the passage of the Bill through the Legislative Assembly.

Chapter Four provides an overview of the Community Relations Commission and Principles of Multiculturalism Bill 2000.

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<sup>4</sup> NSWPD, Legislative Council, 27 May 1999, pp540-542, pp554-568; 3 June 1999, pp860-868, pp880-882.

Chapter Five presents the evidence received by the Committee in relation to the Bill, and a recommendation for an amendment to the Bill.

## Chapter 2

### Background to ethnic affairs in New South Wales

In fulfilment of a commitment given prior to the 1976 election, that a Labor government would establish an Ethnic Affairs Commission to assist ethnic communities and to complement the Commonwealth Community Relations Commission, Premier Wran introduced the Ethnic Affairs Commission Bill 1976 on 18 November 1976.<sup>5</sup> This Bill proposed to create an Ethnic Affairs Commission on an interim basis to conduct an inquiry into the needs of ethnic communities and to advise the Government accordingly. The findings of the inquiry were to be reported to the Premier in a year's time.

#### 2.1 *Ethnic Affairs Commission Act 1976*

The *Ethnic Affairs Commission Act 1976* created an EAC of New South Wales and defined its responsibilities, powers, authorities, duties and functions.

- *ethnic affairs* was defined as 'matters pertaining to the existence of different ethnic groups in the
- the EAC was placed under the control and direction of the Minister – section 5.
- the EAC was to consist of not less than 7 and not more than 11 Commissioners, one of whom was to be the Chairman. The term of appointment was for twelve months – section 6.
- the position of Chairman was to be a full-time position –section 7.
- the circumstances in which a Commissioner would be deemed to have vacated office were dealt with in section 8.
- procedural aspects related to Commission meetings were contained in section 9.
- sections 10-12 preserved the rights of public servants who may be appointed as Chairman, and provided that they were entitled to re-appointment to their former position once the term as Chairman had ceased.
- staff of the Commission would be employed under the *Public Service Act 1902*, and the Commission could avail itself of the facilities and staff of government Departments and public authorities – section 13.
- the Commission was to conduct an investigation into the constitution and functions of the Commission specifically, and into ethnic affairs, more generally. The findings of this investigation were to be reported to the Minister within a year. The Report was to recommend legislative,

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<sup>5</sup> NSWPD, Legislative Assembly, 18 November 1976, pp3189-3192.

administrative and other action necessary relating to ethnic affairs, paying particular attention to the integration of different ethnic groups, and to the role, structure and functions of the Ethnic Affairs Commission – section 14.

- the Commission was given a general power to conduct investigations, prepare reports and make recommendations apart from the major review it was to undertake - section 15.
- provision was made for the assistance and co-operation of public authorities with Commission investigations – section 16.
- the Commission could establish committees to assist it in carrying out its task – section 17.
- money would be allocated in relation to the running of the Commission – section 18.
- a regulation-making power was contained in section 19; and
- Section 20 amended the *Statutory and Other Offices Remuneration Act 1975* with respect to the remuneration payable to the Chairman of the Commission.

## **2.2 The Participation Report**

The first task of the EAC was to conduct a review of the needs of ethnic communities. The findings of this review were published as a Report, *Participation*, in June 1978. The Report made some 300 recommendations on a wide range of issues including welfare, education, employment, industrial relations, women's issues, legal matters, and communications. The approach taken by the EAC in producing its Report was that:

The Commission in this Report has attempted to look beyond the concept of multiculturalism seen only as a need to preserve the cultural heritage of Australians with a non-English speaking background. It sees as the fundamental issue the right of minority groups to achieve total participation in the Australian and New South Wales political and social systems.<sup>6</sup>

The Report maintained that it was the duty of the State government to provide equal access to its services for members of all ethnic groups and to work for equal opportunities in society as a whole.

The Report was tabled in Parliament by Premier Wran on 17 August 1978.<sup>7</sup> In his Ministerial Statement the Premier outlined the Report's findings, including its recommendations on the structure of the Commission itself. The responsibilities suggested for the Commission were:

- (a) To plan, co-ordinate, evaluate and promote the ethnic affairs activities of the New South Wales government administration, under the direction of the Minister, but with independence in framing recommendations
- (b) To monitor for the government the needs of the ethnic communities
- (c) To provide a channel of communication between the ethnic communities and the government

<sup>6</sup> Ethnic Affairs Commission of New South Wales, *Participation*, Report to the Premier, June 1978, p1.

<sup>7</sup> NSWPD, Legislative Assembly, 17 August 1978, pp225-232.

- (d) To provide selected services to the ethnic communities and to new settlers, which either are not available elsewhere, or which, from an organisation viewpoint, are better managed by the commission
- (e) To maintain liaison and co-operation with all bodies involved in immigration and ethnic affairs
- (f) To draw into government decision making the as yet largely untapped resources of the ethnic communities;
- (g) To help trade unions, public and private enterprises, professional bodies and others understand and develop the ethnic human resources available within their organisations;
- (h) To sponsor research in ethnic issues; and
- (i) To produce an Annual Report to be tabled in Parliament as well as reports on specific issues to be submitted to the minister from time to time.

The *Participation* Report became the blueprint for action in relation to ethnic affairs in New South Wales.

### **2.3 *Ethnic Affairs Commission Act 1979***

The Ethnic Affairs Commission Bill 1979 was introduced by Premier Wran on 21 March 1979.<sup>8</sup> This Bill reflected in large measure the recommendations made in the *Participation* Report, and established the EAC as a statutory corporation under the direction and control of the Minister.

The objectives of the EAC as set out in section 15 of the Act were:

- (a) to encourage the full participation of persons comprising ethnic groups in the community in the social, economic and cultural life of the community;
- (b) to promote the unity of all ethnic groups in the community as a single society consistently with the recognition of their different cultural identities; and
- (c) to promote liaison and co-operation between bodies concerned in ethnic affairs.

Other key provisions contained in this Act were:

- Repeal of the earlier legislation – section 4.
- The objects and functions of the Commission were contained in sections 15 to 20. The functions given to the Commission were outlined in section 16, and in summary require the EAC to investigate, report and make recommendations to the Minister on any aspect of ethnic affairs referred to it by the Minister, or on its own initiative. The EAC was also given the power to report and make recommendations to the Anti-Discrimination Board on matters relating to ethnic discrimination, and could provide services approved by the Minister. To facilitate the EAC's

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<sup>8</sup> NSWPD, Legislative Assembly, 21 March 1979, pp2952-2953.

operations, Government departments and statutory authorities were required to co-operate with the Commission in its inquiries – section 18. The Commission was given the power to delegate to the Chairman the exercise or performance of duties subject to the written approval of the minister – section 19. And the EAC could establish any committees it felt necessary to assist it in performing its functions – section 20.

- Details relating to the constitution of the Commission were contained in sections 6 to 14. The Commission was to consist of not more than 12 Commissioners, of whom one was to be a full-time Chairman, and the term of appointment for Commissioners was to be up to five years, with reappointment possible – section 7. Full-time Commissioners were required to devote the whole of their time to their duties, whereas part-time Commissioners were allowed to hold another full-time position – section 8.
- Sections 9 –14 contained further details related to the constitution of the Commission including vacation of office; the conduct of meetings; the rights of persons appointed as full-time Commissioners; and the staffing arrangements.
- The EAC was required to present an Annual Report before 30 September each year – section 17.
- Sections 21 and 22 were general provisions dealing with the funding of the Commission and the making of regulations.

A consequential amendment was made to the *Statutory and Other Offices Remuneration Act 1975* to bring the EAC Chairman and other full-time Commissioners within its scope.<sup>9</sup>

## **2.4 Minor amendments to the *Ethnic Affairs Commission Act 1979***

The *Ethnic Affairs Commission Act 1979* was not substantially amended until 1996, however, the following minor changes were made in the interim:

- section 7(1) was amended to permit the appointment of up to 15 Commissioners, and section 10(4) was amended to require a quorum to be comprised of 5 Commissioners.<sup>10</sup>
- a number of consequential amendments were made following the enactment of the *Public Sector Management (Executives) Amendment Act 1989*, including the repeal of the following sections: section 11 (preservation of rights of a full-time Commissioner who had previously been a public servant); section 12 (entitlement of full-time Commissioners to re-appointment in former employment); and section 13 (declaration of statutory bodies) were repealed.<sup>11</sup>
- section 15 which contains the objects of the Act was amended to make it clear that the objectives of the EAC are to encourage the participation of persons comprising ethnic groups in all aspects of

<sup>9</sup> *Statutory and Other Offices Remuneration (Ethnic Affairs) Amendment Act 1979*.

<sup>10</sup> *Ethnic Affairs Commission (Amendment) Act 1987*

<sup>11</sup> *Miscellaneous Acts (Public Sector Executives Employment) Amendment Act 1989*

life in New South Wales. All references to ‘Chairman’ were replaced with ‘Chairperson’, and other amendments were made consistent with gender- neutral language.<sup>12</sup>

## **2.5 The Charter of Principles for a Culturally Diverse Society**

The Charter of Principles for a Culturally Diverse Society (‘the Charter’) was signed by Premier Fahey in February 1993 and launched in August that year.<sup>13</sup> This document set out clearly the expectations of the Government for the public service in terms of the way in which services are planned, delivered and evaluated. It contained the following Preamble:

The Government of New South Wales regards the cultural and linguistic diversity of the State’s population as a valuable national resource which enhances all aspects of life. In order to maximise this resource, the Government has adopted a Charter of basic principles to guide all Government activity. These principles will apply to all aspects of the social, cultural, political, legal and economic life of New South Wales on which public institutions impact.

Pursuant to the Government’s commitment, all New South Wales institutions will be required to diversify their policies and activities in order to realise the full potential of the population.<sup>14</sup>

The Charter listed the following principles for a culturally diverse society:

- 1 All individuals in New South Wales should have the greatest possible opportunity to contribute to, and participate in, all levels of public life
- 2 All individuals and public institutions should respect and accommodate the culture, language and religion of others within an Australian legal and institutional framework where English is the primary language.
- 3 All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided and/or administered by New South Wales government institutions.
- 4 All New South Wales public institutions should recognise the linguistic and cultural assets in the New South Wales population as a valuable resource and utilise and promote this resource to maximise the development of the state.

Under the Fahey administration, responsibility for Ethnic Affairs was transferred from the Premier and a Minister for Ethnic Affairs appointed. The Ministry oversaw the development and implementation of the Charter.

This was the first time the obligations and benefits of cultural diversity were outlined in a government document. Following the lead of New South Wales, other Australian jurisdictions began to create similar documents: The Pledge in Victoria and in Western Australia, the Declaration of Principles for a Multicultural South Australia, and the Principles for A Culturally Diverse Society in Tasmania.

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<sup>12</sup> *Statute Law (Miscellaneous Provisions) Act (No 3) 1992*

<sup>13</sup> Hon M Photios, Minister for Multicultural and Ethnic Affairs, *NSWPD*, Legislative Assembly, 7 September 1993, pp2860-2861.

<sup>14</sup> Ethnic Affairs Commission of New South Wales, ‘Charter of Principles for a Culturally Diverse Society’, Handbook for Chief Executives and Senior Managers, 1993.

Until 1993, New South Wales public agencies had been required to report under the Ethnic Affairs Policy Statement (EAPS) program. In 1994, new reporting arrangements were established under the Charter, whereby agencies were to integrate Charter requirements into their overall corporate planning processes through the development of Statements of Intent and Charter Implementation Plans. The EAC still retained responsibility for monitoring and evaluating these plans and the progress of government agencies in this area.<sup>15</sup>

## **2.6 Ethnic Affairs Policy – Taking up the Challenge**

The Labor Party came to office following the New South Wales State elections held in March 1995. Prior to the election the Labor Party had released a document, *Ethnic Affairs Policy – Taking up the Challenge*, in which it undertook to review the EAC Act 1979, and to prepare an updated ‘Plan of Action Towards the Year 2000’. It also undertook to give a legislative basis to EAPS and to provide a mechanism so that EAPS reports would be presented to Parliament on an annual basis. A draft report of these issues was released for public comment in the form of a Government Green Paper entitled *Building on our Diversity*. Following receipt and consideration of submissions, a White Paper was issued in late 1996 in which strategies for implementing these commitments were described. Under the Ethnic Affairs Action Plan 2000 new reporting requirements were introduced, including the preparation of Ethnic Affairs Priority Statements (EAPS) by all New South Wales Government agencies. These Statements were similar to the previous Implementation Plans under the Charter of Principles for a Culturally Diverse Society.<sup>16</sup> This White Paper recommended the EAC Act 1979 be amended, and on 23 October 1996<sup>17</sup>, the Ethnic Affairs Commission Amendment Bill 1996 was introduced by Premier Carr. According to Premier Carr the Bill represented ‘the culmination of a 12-month review process that fulfils a key pre-election commitment to review the *Ethnic Affairs Commission Act 1979*, and to develop an ethnic affairs plan of action for the year 2000.’<sup>18</sup>

## **2.7 Ethnic Affairs Commission Amendment Act 1996**

The *Ethnic Affairs Commission Amendment Act 1996* Act amended the earlier legislation so as:

- (a) To endorse certain principles of cultural diversity,
- (b) To enhance the objects and functions of the EAC;
- (c) To provide for ethnic affairs agreements between public authorities and the Commission; and
- (d) To require the Commission to prepare annual reports on the status of ethnic affairs.<sup>19</sup>

The Act was proclaimed to commence on 7 February 1997.<sup>20</sup>

<sup>15</sup> Ethnic Affairs Commission of New South Wales, ‘Charter of Principles for a Culturally Diverse Society’, Handbook for Chief Executives and Senior Managers, 1993.

<sup>16</sup> Ethnic Affairs Commission of New South Wales, *Building on Our Cultural Diversity*, Report of the Review of the Ethnic Affairs Commission Act 1979 and the Development of an Ethnic Affairs Action Plan 2000, White Paper, 1996, p52.

<sup>17</sup> NSWPD, Legislative Assembly, 23 October 1996, pp5213-5214.

<sup>18</sup> NSWPD, Legislative Assembly, 23 October 1996, p5213.

<sup>19</sup> This requirement had been repealed in 1992 under the *Statute Law (Miscellaneous Provisions) Act (No 3) 1992*.

### **2.7.1 Section 3 – Principles of cultural diversity:**

This section was amended to include a statement that ‘Parliament recognises and values the cultural diversity of the people of New South Wales. It does so by supporting and promoting the following principles of cultural diversity’. The Principles from the earlier Charter were then incorporated into the Act (with some minor amendments to the wording), and stated to be the policy of the State – section 3(2). Accordingly, all public authorities were to observe these principles in conducting their affairs – section 3(3). The definition of ‘cultural diversity’ was provided in section 3(5), and has the following meaning: ‘The cultural diversity of the people of New South Wales reflects the whole population of New South Wales, which comprises people from a range of cultural, ethnic, linguistic and religious backgrounds.’

This was the first time in any Australian legislation that such principles had been enshrined.

### **2.7.2 Section 5 – Definitions**

The definition of ‘public authority’ was amended to specifically include government departments and statutory bodies that are subject to annual reporting legislation.

### **2.7.3 Section 15 – Objects of the Commission**

Section 15(d) was inserted to expand the objects of the Commission to include the object of promoting the social, cultural and economic benefits of a culturally diverse society.

### **2.7.4 Section 16 – Functions of the Commission**

Section 16(c) was amended so that the Commission was not limited to providing services approved by the Minister, but to those belonging to ethnic groups. The functions of the Commission were extended with the insertion of section 16(h) to initiate, negotiate, enter into and where appropriate assist the implementation of ethnic affairs agreements with public authorities, and section 16(i) to assess the effectiveness of public authorities in implementing the Government’s ethnic affairs policies.

### **2.7.5 Section 17 – Ethnic Affairs Reports**

This section was inserted requiring the Commission to prepare an annual report on the status of ethnic affairs in New South Wales, which is to be furnished to the Minister by the end of February each year. The Minister is to lay a copy of the report before each House of Parliament within 14 sitting days of receiving the report.

### **2.7.6 Section 21A – Legal consequences of principles of cultural diversity**

This section was inserted to clarify that nothing in section 3 endorsing the principles of cultural diversity gives rise to, or can be taken into account in, any civil cause of action. The provision is identical to provisions included in other legislation, and ensures that while the principles are endorsed

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<sup>20</sup> *Government Gazette* No 15 of 7 February 1997, p363.

and should be observed by public authorities they cannot be taken into account in any civil legal proceedings and do not give rise to separately enforceable rights.

## **2.8 Amendments to the *Ethnic Affairs Commission Act 1979* since 1996**

The only amendment to the *Ethnic Affairs Commission Act* since 1996 has been the insertion of section 9(1)(g) which relates to how a part-time commissioner can be removed from office.<sup>21</sup> However, in April 1999 a major change in direction was signalled by Premier Carr.

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<sup>21</sup> That ground, inserted by the *Crimes Legislation Amendment Sentencing Act 1999*, is: 'if he or she is convicted in New South Wales of an indictable offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable'.

## Chapter 3

# Genesis of a Community Relations Commission and passage of the Bill through the Legislative Assembly

### 3.1 *The Way Forward: A Consultation Document Leading to a Community Relations Commission*

On 8 April 1999 Premier Carr announced that it was his intention to restructure the EAC as the Community Relations Commission, and that the title of the responsible Minister would be changed from Minister for Ethnic Affairs to Minister for Citizenship. In June 1999, a document canvassing this proposal was released for public comment, entitled *The Way Forward: A Consultation Document Leading to a Community Relations Commission*. It proposed a number of reforms including:

- Broadening the term ‘citizenship’ to give it a more expansive meaning than the legal definition of naturalisation. This broader term includes ‘membership of a harmonious linguistically, ethnically, religiously, and racially diverse and inclusive society, which celebrates cultural diversity, and at the same time emphasises shared civic values and adherence to the principles of democracy and the rule of law.’<sup>22</sup>
- Changing the focus of the Commission, from primarily that of ethnic affairs to community relationships at large. Under the new focus the CRC would:
  - Recognise and promote the value of a community which is linguistically, ethnically, religiously and racially diverse.
  - Be more outward looking and community focussed.
  - Be more pro-active and energetic in order to develop a higher profile and generate public confidence.
  - Have the capacity to identify specific issues requiring attention.
  - Address those issues in an effective, systematic manner.
  - Produce tangible outcomes.
  - Better achieve the goals set by government in terms of social justice, cultural diversity, and community harmony.
- Retaining the principles of cultural diversity but also including new references to citizenship.

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<sup>22</sup> Ethnic Affairs Commission of New South Wales, *The Way Forward: A Consultation Document Leading to a Community Relations Commission*, June 1999, p3.

- Including new definitions relating to the following:

*Citizenship* which includes but is not limited to the acquisition of Australian Citizenship through the act of naturalisation which confers rights and responsibilities. A broader meaning is that it confers rights and responsibilities and while recognising cultural diversity, is based on the premise that all people should have an overarching and unifying commitment to Australia, to its interests and future first and foremost, including shared civic values and adherence to the principles of democracy and the rule of law.

*Community relations* means matters pertaining to the relationships between people or groups of people and the broader community where cultural diversity is relevant or is a determining factor.

*Cultural diversity* means the many linguistic, religious, ethnic and racial backgrounds of the people of New South Wales.

The document outline the proposed objects of the CRC as:

- To promote participation in community life so the people of New South Wales are able to exercise their rights and fulfil their responsibilities regardless of linguistic, religious, ethnic and racial backgrounds.
- To facilitate access and use of government services appropriate to a culturally diverse community
- To encourage the participation of people of different linguistic, religious, ethnic and racial backgrounds in the public decision making process.
- To encourage people to live together in a cohesive and harmonious society in New South Wales where there is mutual understanding and respect for cultural diversity; and
- To recognise the contribution and promote the benefits of cultural diversity in New South Wales so that it enriches all sections of society.

The functions proposed for the CRC would be:

- To encourage those eligible, to acquire the formal status of Australian Citizenship
- To undertake systematic, wide-ranging consultation with peoples and groups pertaining to community relations and cultural diversity
- To provide advice and make recommendations to the Minister which advance the Objects of the Community Relations Commission
- To investigate and report on any matter relating to its objects referred to it by the Minister or which it considers requires attention
- To assess the effectiveness of public authorities in their adherence to the principles of cultural diversity, including the delivery of services

- (f) To help resolve issues which impact on community relations
- (g) To initiate, negotiate and enter into agreements with public authorities
- (h) To provide services approved by the minister
- (i) To advise the Minister on the use of funds appropriated by Parliament for expenditure on community relations
- (j) To arrange and participate in forums which advance the objectives of community relations
- (k) To establish cooperative structures with governmental, business, industrial, educational and community bodies or groups for the purpose of improving community relations and promoting the benefits of cultural diversity
- (l) To report and make recommendations to the ADB, constituted under the ADA 1977, on matters relating to discrimination and racial vilification; and
- (m) To take any action to further the Commission's objectives.

The document also suggested that:

- The structure and operations of the CRC could be made up of a Chair and up to 6 part-time commissioners, with the power to establish standing committees as well as special ad hoc committees which may necessary in order to respond to specific community relations issues.
- A Community Relations Council made up of representatives of community organisations and individuals could be established to act as an advisory board to the Minister on Community Relations issues.
- The current network of the five EAC regional advisory committees could be restructured and upgraded to Regional Community Relations Councils to encourage local and community participation across the State.
- The CRC would report each year on the status of community relations in New South Wales with particular regard to Section (e) of its proposed functions.
- Existing programs (in this context the 'Ethnic Affairs Priority Statements program') would continue but, in line with the general restructure, would be renamed 'reports on community relations.' The Commission would continue to administer a grants program, and the language services provided would be enhanced.

According to the Minister Assisting the Premier, more than 4,000 copies of the discussion document were distributed<sup>23</sup>, and the document was made available on the Ethnic Affairs Commission web site in six community languages, namely, Italian, Greek, Chinese, Vietnamese, Spanish and Arabic. A total of 108 submissions were received (47 from government agencies, the balance from individuals or

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<sup>23</sup> NSWPD, Legislative Assembly, 23 September 1999, p1196.

community-based organisations).<sup>24</sup> In light of the responses and the feedback from public consultation, the package of measures was reviewed, resulting in the Community Relations Commission and Principles of Multiculturalism Bill 1999.

### **3.2 Passage of the Community Relations Commission and Principles of Multiculturalism Bill 1999 through the Legislative Assembly**

On 23 September 1999, a Bill entitled the Community Relations Commission and Principles of Multiculturalism Bill 1999 (the Bill), was introduced into the Legislative Assembly by Hon Morris Iemma MP, and progressed to the Second Reading stage.<sup>25</sup> The provisions of the Bill reflected in large measure the issues canvassed in the consultation document. The main features outlined by the Minister in his Second Reading speech were:

- Retention of the Government's commitment to multiculturalism
- Removal of the term 'ethnic' as it is no longer seen as an appropriate and acceptable description
- Enhancement of the objectives and functions of the proposed new body, ie 'the Community Relations Commission will be an instrument of Parliament with the primary role of supporting and developing relationships and partnerships between people of equal standing but of diverse cultural backgrounds.'<sup>26</sup>
- Inclusion of a new and expanded definition of 'citizenship'
- Expansion of consultative mechanisms to ensure greater input from all communities across the State through the creation of regional advisory councils
- Creation of new powers to enable the Commission to form partnerships with other organisations and stakeholders to deal quickly with specific community issues or problems in a given area
- Continuation of the grants program with a greater emphasis on community partnership projects
- Expansion of interpreting services the Commission will be able to provide
- Retention of reporting requirements for public authorities
- Power of the Commission to report matters relating to discrimination and racial vilification to the Anti-Discrimination Board of New South Wales.

The Bill lay on the Table for some months before debate resumed in the Legislative Assembly in the first week of May 2000. In the interim further community consultation was undertaken by the Minister Assisting the Premier and the Ethnic Affairs Commission. A number of meetings were held across the

<sup>24</sup> Evidence of the Hon Morris Iemma MP, Minister for Public Works and Services and Minister Assisting the Premier on Citizenship, 22 May 2000, p33.

<sup>25</sup> NSWPD, Legislative Assembly, 23 September 1999, pp1195-1199.

<sup>26</sup> NSWPD, Legislative Assembly, 23 September 1999, p1197.

State including at Coffs Harbour, Bathurst, Orange, Dubbo, Wollongong, Nowra/Shoalhaven, Wagga Wagga, and in Sydney in Canterbury, Fairfield, Ashfield and Punchbowl. According to Mr Iemma the majority response at these meetings was one of support.<sup>27</sup> The consultation process also included 'several press conferences with the ethnic media as well as visits to ethnic media outlets, and mainstream and ethno-specific service providers and religious leaders.'<sup>28</sup>

During the period from September 1999 to May 2000, the Government indicated a change in its position on two issues associated with the Bill. First, in response to a suggestion by the Jewish Board of Deputies the Government agreed to amend clause 3(1) of the bill from:

Parliament recognises that the people of New South Wales are of different linguistic, religious, racial and ethnic backgrounds, and values that cultural diversity.

to:

Parliament recognises that the people of New South Wales are of different linguistic, religious, racial and ethnic backgrounds, who, either individually or in community with other members of their own respective groups, are free to profess, practise and maintain their own linguistic, religious, racial and ethnic heritage.

This amendment was agreed to in the Legislative Assembly on 4 May 2000.<sup>29</sup>

Second, after representation from Mr Neville Roach, Chair of the National Multicultural Advisory Council and a number of representatives from the Chinese community the Government signalled its support for a so-called 'by-line'.<sup>30</sup>

The Bill, as amended was passed by the Legislative Assembly on 4 May 2000, however the Opposition foreshadowed that while it supported the main thrust of the Bill it would move amendments in the Legislative Council. The nature of the amendments was not provided. At the time of writing, the Bill is under debate in the Legislative Council.<sup>31</sup>

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<sup>27</sup> Evidence of the Hon Morris Iemma MP, Minister for Public Works and Services and Minister Assisting the Premier on Citizenship, 22 May 2000, p33.

<sup>28</sup> NSWPD, Legislative Assembly, 23 September 1999, p1197.

<sup>29</sup> NSWPD, Legislative Assembly, 4 May 1999, pp5267-5269.

<sup>30</sup> NSWPD, Legislative Assembly, 4 May 1999, pp5267-5269; Evidence of Mr Neville Roach, Chairman, Council for Multicultural Australia, 9 May 2000, pp2-3; Evidence of Ms Catherine Chung, Secretary, Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999, 9 May 2000, p44; Premier of New South Wales, 'Premier support Chinese community initiative', News Release dated 11 February 2000.

<sup>31</sup> Following amendment in the Legislative Assembly, the Community Relations Commission and Principles of Multiculturalism Bill 1999 was forwarded to the Legislative Council as the Community Relations Commission and Principles of Multiculturalism Bill 2000.

## Chapter 4

### Overview of the Bill

A copy of the second print of the Community Relations and Principles of Multiculturalism Bill 2000 (the Bill) is provided in its entirety at Appendix 4. Clauses of the Bill that are particularly relevant to the Committee's inquiry are described below with cross reference to sections of the *Ethnic Affairs Commission Act 1979* where relevant. A copy of the *Ethnic Affairs Commission Act 1979* is provided in its entirety at Appendix 5).

#### 4.1 Overall objectives and effects of the Bill

The objects of the Bill are:

- (a) to recognise that the people of New South Wales are of different linguistic, religious, racial and ethnic backgrounds; and
- (b) to promote the equal rights and responsibilities of all the people of New South Wales within a cohesive and harmonious multicultural society in which diversity is regarded as a strength and an asset, individuals share a commitment to Australia, and English is the common language.

The Bill would:

- (a) establish principles of multiculturalism based on citizenship as the policy of the State (previously the principles of cultural diversity), including the recognition of the importance of shared values within a democratic framework governed by the rule of law, and an overarching and unifying commitment to Australia, its interests and future;
- (b) replace the Ethnic Affairs Commission with a Community Relations Commission and provides for its objectives and functions;
- (c) make changes to the membership and procedure of the Commission, including reducing the size of the Commission from 15 Commissioners to not more than nine Commissioners and providing for the appointment of either a full-time or part-time Chairperson;
- (d) make provision for the appointment of regional advisory councils;
- (e) retain other provisions that currently apply to the Ethnic Affairs Commission; and
- (f) repeal the *Ethnic Affairs Commission Act 1979* and amend certain other Acts and regulations.

## 4.2 Provisions of the Bill

### 4.2.1 Principles of multiculturalism (clause 3)

The principles of multiculturalism are based on the principles of cultural diversity contained in the EAC Act, however, an extra dimension has been added by linking these principles to a broadly defined notion of citizenship.

Clause 3 (1) (which was amended by the Government in the Legislative Assembly on 4 May 2000<sup>32</sup>) states that:

Parliament recognises that the people of New South Wales are of different linguistic, religious, racial and ethnic backgrounds, who, either individually or in community with other members of their own respective groups, are free to profess, practice and maintain their own linguistic, religious, racial and ethnic heritage. It does so by supporting and promoting the following principles of multiculturalism:

- (a) Principle 1  
All individuals in New South Wales should have the greatest possible opportunity to contribute to, and participate in, all aspects of public life.
- (b) Principle 2  
All individuals and public institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language.
- (c) Principle 3  
All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided or administered by the Government of New South Wales.
- (d) Principle 4  
All public institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State.

Clause 3 (2) states that:

Parliament also recognises that those principles are based on citizenship. The expression *citizenship* is not limited to formal Australian citizenship, but refers to the rights and responsibilities of all people in a multicultural society in which there is:

- (a) A recognition of the importance of shared values within a democratic framework governed by the rule of law, and
- (b) An overarching and unifying commitment to Australia, its interests and future.

The principles of multiculturalism are to be construed accordingly.

The effect of Clause 3(1) and (2) is to create a new, broader definition of multiculturalism by expanding on the existing principles of cultural diversity by basing them on the notion of citizenship. This notion

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<sup>32</sup> Clause 3(1) originally read: 'Parliament recognises that the people of New South Wales are of different linguistic, religious, racial and ethnic backgrounds, and values that cultural diversity.' Following concern expressed to the Government by the Jewish Board of Deputies relating to people's religious practices, this Clause was amended to read as outlined above. Minister Assisting the Premier, Evidence, 22 May 2000, pp33-34.

is wider than just formal Australian citizenship and captures the rights and responsibilities of all people in a multicultural society. This approach was flagged in the Report by the Civics Expert Group on Citizenship and Civics Education released in 1994.<sup>33</sup> It said:

Citizenship recognises the equal civic worth of every individual. No-one, no matter how rich or powerful, can evade the responsibilities of citizenship or usurp its entitlements. Our democratic values require that every citizen is able to participate in the exercise of these rights and responsibilities. Citizenship should be the mortar that holds together the bricks of our contemporary, multicultural Australia.

Clause 3(3) entrenches the principles of multiculturalism as the policy of the State.

Clause 3(4) requires each public authority to observe the principles of multiculturalism in conducting its affairs, and pursuant to Clause 3(5) the chief executive officer of each public authority has a duty to implement the provisions of this section within the area of his or her administration.

The implementation of the principles of cultural diversity and citizenship requires people to recognise the importance of shared values within a democratic framework and a commitment to uphold the laws of Australia.

#### **4.2.2 Definitions contained in the Bill (clause 4)**

Definitions of terms used in the Bill are contained in Clause 4. Those of particular interest to the current inquiry are:

*Chairperson:* The Chairperson of the CRC could be filled by a full-time or part-time Chairperson. At present the position of Chair of the EAC is a full-time one.

*Citizenship:* A broad definition of citizenship is provided in Clause 3(2), which goes beyond the restricted legal meaning of formally becoming an Australian citizen to cover all those living here who make up our community.

*Cultural diversity:* means the different linguistic, religious, racial and ethnic backgrounds of the people of New South Wales. This term is used in the EAC Act, but its wording in the Bill has been altered slightly.

*Principles of multiculturalism:* Clause 3(1)(a)-(d) retains the principles of cultural diversity which appear in the EAC Act, although their description and wording has been altered slightly.

#### **4.2.3 Constitution of the Community Relations Commission (clause 6)**

Clause 6 of the Bill provides for the constitution of a Community Relations Commission of New South Wales as a corporation that represents the Crown and is subject to ministerial control. In effect, the proposed Community Relations Commission (the proposed Commission) would replace the current Ethnic Affairs Commission.

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<sup>33</sup>Civics Expert Group, *Whereas the people ...*, Civics and Citizenship Education Summary of the Report of the Civics Expert Group, December 1994, AGPS.

#### **4.2.4 Membership of the Commission (clause 7)**

Clause 7 provides for the membership and procedure of the proposed Commission. The proposed Commission would consist of not more than nine Commissioners. One of the Commissioners would be either a full-time or part-time Chairperson.

The current Ethnic Affairs Commission consists of up to 15 Commissioners (including the Chairperson).

#### **4.2.5 Chairperson of Commission (clause 8)**

Clause 8 provides for the position of Chairperson to be filled on either a permanent or full-time basis. No such provision exists under the EAC Act.

#### **4.2.6 Staff of Commission (clause 9)**

The provisions relating to the employment of public service staff by the CRC are the same as those which exist for the EAC, however, the CRC will also be able to engage consultants where it sees fit - Clause 9(3).

#### **4.2.7 Regional Advisory Councils (clause 10)**

Clause 10 authorises the proposed Commission to appoint regional advisory councils for regional areas of the State. The councils would comprise representatives of relevant local or regional agencies, community organisations or individuals and a Commissioner (who is to be the chairperson of the council). The *Ethnic Affairs Commission Act 1979* makes no specific provision for the establishment of Regional Advisory Councils, although section 20 of that Act provides for the Commission, with the approval of the Minister, to establish such committees as it thinks fit. It would appear from information contained in its latest Annual Report that a number of regional advisory committees are already in existence.<sup>34</sup>

#### **4.2.8 Other Committees (clause 11)**

Although the EAC Act refers to the ability of the EAC to establish committees, the nature of these committees is not spelled out. The CRC Bill clarifies the position in relation to the CRC by providing in Clause 11 for the establishment of standing or special committees.

#### **4.2.9 Objectives of the Commission (clause 12)**

Clause 12 sets out the following objectives of the proposed Commission:

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<sup>34</sup> There are currently five regional committees: the Hunter Regional Advisory Committee; the Illawarra Regional Advisory Committee; the Northern Regional Advisory Committee; the Tamworth/Armidale Regional Advisory Committee; and the Western Regional Advisory Committee. Ethnic Affairs Commission of New South Wales, *Annual Report 1998/1999*, p132.

- (a) participation of the people of New South Wales in community life and the public decision-making process so that they can exercise their rights and fulfil their obligations regardless of their linguistic, religious, racial or ethnic background;
- (b) access to government services that is appropriate in a multicultural society;
- (c) a cohesive and harmonious multicultural society with mutual respect for and understanding of cultural diversity; and
- (d) the enrichment of all sections of society through the benefits of cultural diversity.

The objectives of the proposed Commission differ somewhat from those of the Ethnic Affairs Commission (see section 15 of the *Ethnic Affairs Commission Act 1979*, at Appendix 5). Discussion about changes to the objectives is contained in section 5.8 of this report.

#### **4.2.10 Functions of the Commission (clause 13)**

Clause 13 sets out the functions of the proposed Commission. These include:

- (a) consulting with people and groups with respect to its objectives;
- (b) providing advice, recommendations and reports to the Minister on matters relating to its objectives (including in relation to the allocation of relevant government funding);
- (c) facilitating co-operative arrangements involving governmental, business, educational and community groups or bodies to promote its objectives;
- (d) entering into agreements with public authorities in connection with their functions to promote the objectives of the Commission, and assisting and assessing the effectiveness of public authorities in observing the principles of multiculturalism in the conduct of their affairs;
- (e) providing interpreter or other services approved by the Minister;
- (f) encouraging eligible people to become Australian citizens; and
- (g) advising and making recommendations to the Anti-Discrimination Board on matters relating to discrimination and racial vilification.

The functions of the proposed Commission differ somewhat from those of the Ethnic Affairs Commission (see section 15 of the *Ethnic Affairs Commission Act 1979*, at Appendix 5). Discussion about changes to the functions is contained in section 5.9 of this report.

#### **4.2.11 Reporting on the state of community relations (clause 14)**

Clause 14 requires the Commission to present an annual report to Parliament on the state of community relations in New South Wales, including an assessment of the effectiveness of public authorities in observing the principles of multiculturalism in the conduct of their affairs. The Report is to be given to the Minister by the end of March each year. The EAC is currently required to present a

similar report in relation to ethnic affairs by the end of February each year. Other procedural issues relating to the CRC's Annual Report are the same as those stipulated in the EAC Act.

**4.2.12 Public authorities to assist Commission (clause 15)**

Clause 15 requires public authorities to assist the CRC in connection with any investigation conducted by it. A similar requirement exists in the EAC Act.

**4.2.13 Delegation of functions (clause 16)**

Clause 16 enables the Commission to delegate its functions to the Chairperson. A similar requirement exists in the EAC Act.

**4.2.14 Miscellaneous provisions**

The miscellaneous provisions are contained in Clauses 17 to 27 and are essentially mechanic in nature.

**4.2.15 Schedules to the Bill**

The Bill contains four schedules detailing:

- provisions relating to the Commissioners and to the procedure of the Commission;
- consequential amendments of other Acts and regulations; and
- saving, transitional and other provisions, including provisions that appoint the existing Chairperson and part-time Commissioners of the EAC to the new Commission for the balance of their existing terms of office.

## Chapter 5

# Evidence received in relation to the Bill and Committee recommendations for amendments

As detailed in section 1.1 of chapter one, the Committee received 96 submissions and 6 supplementary submissions in response to its advertisements. In addition, the Committee held three public hearings, at which 43 people gave oral evidence. (Refer to appendices 2 and 3 for lists of submissions and witnesses, respectively).

This chapter considers the evidence as it relates to the Community Relations Commission and Principles of Multiculturalism Bill 2000 (an overview of which appears at chapter four). The first sections consider the importance of the inquiry and the general support for the substance of the Bill. Sections 5.3 to 5.9 provide evidence relating to those clauses of the Bill that attracted the majority of comment during the course of the inquiry. The Committee recommends an amendment to the Bill at section 5.10.

### 5.1 Importance of the inquiry

A number of witnesses highlighted the significance of the Committee's inquiry in the overall context of multiculturalism in Australia, and the leadership role of the State of New South Wales in this area. The Chairman of the Council for Multicultural Australia, Mr Neville Roach, stated:

The issue of multiculturalism is a very important issue for Australia as a whole. Within Australia, New South Wales, whoever may like it or not, is clearly the pacesetter and the leader. Australia cannot achieve much unless New South Wales is in step, and in fact quite often providing the leadership. Therefore I believe that this inquiry is extremely important, not only for New South Wales but also for Australia as a whole.<sup>35</sup>

The founding Chairperson of the Ethnic Communities Council of NSW and Federation of Ethnic Communities' Councils of Australia, and founding Deputy Chairperson of the Ethnic Affairs Commission of NSW, Mr Bill Jegarow, stated the inquiry provided an opportunity to assess and develop multiculturalism:

... this inquiry is an historic opportunity for Parliament to assist the New South Wales Government in assessing and developing multiculturalism as a policy that has strengthened and promoted social cohesion and social harmony in the past and must continue to do so in the future.<sup>36</sup>

Dr Bill Cope, Director of the Centre for Workplace Communication and Culture at RMIT University, argued that the inquiry is important in the context of how Australians live together. He also extolled the work of the Ethnic Affairs Commission:

... I regard the work of this Committee as historic. I mean, it might seem a small Committee and it might seem an issue that is not as big as the GST or not as big as East Timor, but this is one of the most important issues in our society, how we actually live together as a society and how we describe the way we live together. ...

<sup>35</sup> Evidence of Mr Neville Roach, Chairman, Council for Multicultural Australia, 9 May 2000, p1.

<sup>36</sup> Evidence of Mr Bill Jegarow, 22 May 2000, p8.

I might also say that the Ethnic Affairs Commission of New South Wales has been an incredibly important institution in Australian history. It was the first such commission in Australia. As such, it was a path-breaking institution and I think it has been a remarkably creative, innovative and useful organisation in Australia. It was followed by every other State with very similar institutions which all named themselves Ethnic Affairs Commissions after the New South Wales Ethnic Affairs Commission.<sup>37</sup>

## 5.2 Support for the substance of the Bill

Evidence provided to the Committee demonstrates there is a great deal of support for the substance of the Bill. The Committee notes, however, that many individuals and organisations qualified their support with suggestions for change to certain elements of the Bill.

In evidence typical of that given to the Committee, the Chairperson of the Ethnic Communities Council, Mr Paul Nicolaou, gave qualified support for the Bill:

... the ECC feels that the bill, or the legislation, is valuable and should be supported. After great consultation with members of our member organisations and the community, a lot of people feel that the legislation is fine but there are some changes that need to be made.<sup>38</sup>

Mr Harry Danalis, President of the Greek Orthodox Community of New South Wales, also gave qualified support:

We, as an organisation, support the passing of the bill. We do, however, have one or two reservations about it.<sup>39</sup>

Strong support came from the Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999 who stated in their submission that:

The Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999 ... strongly supports the Bill in both its spiritual and functional context. It believes that the Bill will enhance the commitment of New South Wales to multiculturalism by taking the Principles of Multiculturalism from the policy context and enshrining them in legislation.<sup>40</sup>

Dr Luan Thiam Ang, Immediate Past President of the Chinese Australian Forum, noting that the Bill was not an end point in the evolution of relations in the community, also indicated his organisation's strong support for the Bill:

We in the Chinese Australian Forum believe that this bill is a step forward to the previous bill which established the Ethnic Affairs Commission. Even though this really is not the end point of this evolution of relations in the community, we strongly support it. In doing so, this is why we have actually come to appear before you because we believe it is a bill that is worth supporting, not only by the so-called ethnic Australians but by all Australians, whatever their origins.<sup>41</sup>

Mr Neville Roach, Chairman of the Council for Multicultural Australia, in stating the Council's support for the Bill, highlighted the increased powers of the proposed new Commission:

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<sup>37</sup> Evidence of Dr Bill Cope, Director of the Centre for Workplace Communication and Culture, RMIT University, 8 May 2000, p51.

<sup>38</sup> Evidence of Mr Paul Nicolaou, Chairperson, Ethnic Communities Council of New South Wales, 8 May 2000, p4.

<sup>39</sup> Evidence of Mr Harry Danalis, President, Greek Orthodox Community of New South Wales, 9 May 2000, p34.

<sup>40</sup> Submission No 45, Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999, p1.

<sup>41</sup> Evidence of Dr Luan Thiam Ang, Immediate Past President, Chinese Australian Forum, 8 May 2000, p39.

... we welcome the bill in principle. We believe that there are some very, very powerful and valuable components of that bill, particularly the enshrinement in legislation of the principles of multiculturalism. We believe that the ability of the proposed commission to do, independent of the Minister, an audit of compliance with the principles of multiculturalism is a very powerful step forward, and in fact in a sense is pacesetting within Australia and perhaps in some ways internationally as well.<sup>42</sup>

For those who gave qualified support, the major qualification related to the proposed name of the new Commission. Typical of this view was the comment provided in the submission from the Chinese Elderly Welfare Association Incorporated:

In principle, I fully support the legislation and the Premier's push for an ultimate Multicultural NSW. However, I believe his level of commitment can go further step ... by including the word 'Multicultural' into the new name.<sup>43</sup>

Others extended their qualifications further. In his submission to the Committee, Professor of Sociology at the University of Technology Sydney, Andrew Jakubowicz, wrote that:

The Bill is to be commended as an important incorporation of basic core values of democratic pluralism, insofar as it goes. It should be recognised as increasing the power and influence of the Commission at a time when the wider public culture has been corroded by the rise of Hansonism and the reluctance of the Federal government to behave pro-actively in defence of multicultural values. Placing these principles at the forefront of government policy is to be welcomed. However the decision to limit the definition of the barriers covered in the Bill to language, religion, race, and ethnic background, and then to exclude 'Multicultural' from the title of the Commission, erodes the potency of the commitment, as does the refusal even to legislate for a sub-title such as 'for Multicultural NSW'.<sup>44</sup>

For many, the overall substance of the Bill outweighed any concern about matters associated with terminology. Mr Ross Tzannes, a former Chairperson of the Ethnic Communities Council and former Commissioner of the Ethnic Affairs Commission, told the Committee that:

... I am fully supportive of much of the thrust of the bill. Indeed, I believe the bill is a step forward in an area where at all times enlightened policies and careful public treatment have to be the order of the day. Unusually in this case the legislation comes into an area where there has not been demonstrable failure of past policy or practice by governments of any persuasion in New South Wales. Indeed, for many years—I believe accurately so—the capacity of Australia to integrate a vast number of cultures by any standards, and large numbers in many cases, into the fabric of Australian society in a harmonious, integrated and peaceful way has rightly been the envy of the world. Contrary to all the soothsayers who say that it cannot be done—race and various other things will out—Australia, almost against the tide, has demonstrated a capacity and a success rate that have astonished everybody.

...

I would like to move onto substance, because I think in all this argument about names there is a tendency, particularly among ethnic communities, to forget about the substance of the bill, which I think is very good. It is not perfect. There are areas in which it can be improved. But in saying that I do not want to suggest for a minute that the bill is not progressive or something which, in its general thrust, ought not be supported.<sup>45</sup>

<sup>42</sup> Evidence of Mr Neville Roach, Chairman, Council for Multicultural Australia, 9 May 2000, p2.

<sup>43</sup> Submission No 2, Chinese Elderly Welfare Assoc. Inc., p1.

<sup>44</sup> Submission No 17, Professor Andrew Jakubowicz, p9.

<sup>45</sup> Evidence of Mr Ross Tzannes, 22 May 2000, pp24-25.

### **5.3 Principles of Multiculturalism (clause 3)**

Evidence relating to clause 3 of the Bill (Principles of Multiculturalism) centred around two major concerns: the phrasing of sub-clause 3(1), which sets out the principles of multiculturalism; and the notion of citizenship and its interaction with the principles, set out in sub-clause 3(2).

#### **5.3.1 Principles – sub-clause 3(1)**

Sub-clause 3(1) sets out the principles of multiculturalism as follows:

Parliament recognises that the people of New South Wales are of different linguistic, religious, racial and ethnic backgrounds, who, either individually or in community with other members of their own respective groups, are free to profess, practise and maintain their own linguistic, religious, racial and ethnic heritage. It does so by supporting and promoting the following principles of multiculturalism:

- (e) Principle 1  
All individuals in New South Wales should have the greatest possible opportunity to contribute to, and participate in, all aspects of public life.
- (f) Principle 2  
All individuals and public institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language.
- (g) Principle 3  
All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided or administered by the Government of New South Wales.
- (h) Principle 4  
All public institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State.

One concern raised in submissions to the inquiry related to the fact the Bill did not acknowledge the right of ethnic communities to maintain and promote their identity, or to exist with equal standing alongside “mainstream” culture.<sup>46</sup> This concern appears to have been addressed by the amendment to sub-clause 3(1) in the Bill in the Legislative Assembly (noted in section 3.2), which resulted in a change to the preamble to the four principles from:

Parliament recognises that the people of New South Wales are of different linguistic, religious, racial and ethnic backgrounds, and values that cultural diversity.

to:

Parliament recognises that the people of New South Wales are of different linguistic, religious, racial and ethnic backgrounds, who, either individually or in community with other members of their own respective groups, are free to profess, practise and maintain their own linguistic, religious, racial and ethnic heritage.

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<sup>46</sup> See, for example, Submission No 83, Ethnic Communities Council of NSW Inc, p3; Submission No 6, Cambodian-Australian Welfare Council of NSW Inc, p3; and Submission No 43, Council on the Ageing (NSW) Inc, p2.

Another concern raised in evidence to the Committee related to Principle No 4. The Council on the Ageing, in their submission to the Committee, took the word 'resource' to have a limited meaning and were consequently concerned that only economic value was encompassed in Principle No 4:

Although the Principles recognise the valuable resource of ethnic cultures, there is no specific mention that these resources enrich the State's cultural and social as well as economic society.<sup>47</sup>

Similar concerns were raised by the Ethnic Child Care, Family and Community Services Co-operative Ltd<sup>48</sup>, the Cambodian-Australian Welfare Council of NSW Inc<sup>49</sup> and the Ethnic Communities Council of New South Wales. In evidence to the Committee, the Vice-Chairperson of the ECC, Ms Josie Lacey, stated:

While recognising economic benefits of cultural diversity, the principles are silent on the cultural and social benefits of multiculturalism.<sup>50</sup>

The Chairperson of the Ethnic Affairs Commission, Mr Stepan Kerkysharian, advised the Committee that:

The contention that "the Principles of Multiculturalism are silent on the cultural and social benefits of multiculturalism and cultural diversity" is wrong. Section 3(1)(d), Principle No 4 ... states "all public institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State."<sup>51</sup>

This advice suggests that Mr Kerkysharian's interpretation of the word 'resource' extends beyond merely economic value, and encompasses cultural and social benefits. The Committee is also inclined to interpret the word 'resource' in this broader sense.

Dr Bill Cope and Professor Mary Kalantzis of RMIT University, in their submission to the Committee contended that 'more vigorous and innovative principles of multiculturalism are sorely needed', commenting that:

Principles 1) and 3) could be just as easily part of an assimilationist framework as a multicultural one. They do not tackle the issue of the place of cultural pluralism in achieving access/opportunity/participation for all.

Principle 2) is as much about the dominance of the English language as anything else (with echoes of the 'English as the official language' movement in the US).

Principle 4) is worthwhile, but now almost a cliché, with no indication as to what operationalising the principle might be.<sup>52</sup>

Dr Cope and Professor Kalantzis suggest four alternative principles, based on recommendations of the National Multicultural Advisory Council in its 1999 report *Australian multiculturalism for a new century: Towards inclusiveness*.<sup>53</sup> These principles are:

<sup>47</sup> Submission No 43, Council on the Ageing (NSW) Inc, p2.

<sup>48</sup> Evidence of Ms Deidre Freyberg, Community Worker, Ethnic Child Care, Family and Community Services Co-operative Ltd, 8 May 2000, p77.

<sup>49</sup> Submission No 6, Cambodian-Australian Welfare Council of NSW Inc, p3.

<sup>50</sup> Evidence of Ms Josie Lacey, Vice-Chairperson, Ethnic Communities Council of New South Wales, 8 May 2000, p5.

<sup>51</sup> Correspondence from Mr Stepan Kerkysharian, Chairperson and Chief Executive of the Ethnic Affairs Commission, received 18 May 2000, p2.

<sup>52</sup> Submission No 90, Dr Bill Cope and Professor Mary Kalantzis, p12.

*Civic Duty:* all Australians are obliged to support the basic structures and principles of Australian society – our Constitution, democratic institutions and values – which guarantee us our freedom and equality and enable diversity in our society to flourish.

*Cultural Respect:* subject to the law, the right to express one's own culture and beliefs involves a reciprocal obligation to accept the right of others to do the same.

*Social Equity:* all Australians are entitled to equality of treatment and opportunity enabling them to contribute to the social, political and economic life of Australia, free from discrimination on the grounds of race, culture, religion, language, location, gender or place of birth.

*Productive Diversity:* the significant cultural, social and economic dividends which arise from the diversity of our population should be maximised for the benefit of all Australians.<sup>54</sup>

The Committee notes that while the terminology used in the Bill differs from that contained in the principles espoused by the National Multicultural Advisory Council, the sentiment is much the same. Moreover, the Committee did not receive any other evidence which suggested there is major concern about the terminology used in, or the sentiments expressed by, the four principles as they appear in the Bill.

### **5.3.2 Citizenship – sub-clause 3(2)**

Sub-clause 3(2) relates to the notion of citizenship and its interaction with the principles of multiculturalism. It states:

Parliament also recognises that those principles are based on citizenship. The expression *citizenship* is not limited to formal Australian citizenship, but refers to the rights and responsibilities of all people in a multicultural society in which there is:

- (a) A recognition of the importance of shared values within a democratic framework governed by the rule of law, and
- (b) An overarching and unifying commitment to Australia, its interests and future.

The principles of multiculturalism are to be construed accordingly.

The Ethnic Communities Council holds the view that the State should not impose obligations on persons who are neither citizens nor permanent residents. In evidence to the Committee, the Vice Chairperson of the ECC, Ms Josie Lacey, proposed the sub-clause be redrafted to read:

Parliament recognises that the principles of multiculturalism stand alongside citizenship. Citizenship refers to the rights and responsibilities of individuals arising from their legal status as Australian citizens or permanent residents and from membership of the Australian community. It involves:

- (a) A recognition of the importance of shared values of democracy and justice governed by the rule of law; and
- (b) A unifying commitment to Australia, its interests and future.<sup>55</sup>

This view contrasts with the Premier's stated intention that:

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<sup>53</sup> Submission No 90, Dr Bill Cope and Professor Mary Kalantzis, p14.

<sup>54</sup> National Multicultural Advisory Council, *Australian multiculturalism for a new century: Towards inclusiveness*, Summary of Recommendations, April 1999, p10.

<sup>55</sup> Evidence of Ms Josie Lacey, Vice-Chairperson, Ethnic Communities Council of New South Wales, 8 May 2000, pp5-6.

A broader definition of citizenship has been introduced to better reflect our society's inclusiveness and diversity. In the legislation, the meaning of citizenship goes beyond the legal concept of naturalisation, it refers to the rights and responsibilities of all people in a multicultural society, united by their commitment to Australia.<sup>56</sup>

Mr Ross Tzannes suggested that the concept of citizenship could be extended to encompass a commitment not only to the State of New South Wales, but also to fellow citizens:

The bill ... defines citizenship as a recognition of the importance of shared values within a democratic framework governed by the rule of law and an overarching and unifying commitment to Australia, its interest and future. No one can argue with those two statements. They are perfectly fine. My suggestion is that they do not quite go far enough. It would be nice, rather than having this governing, governed sense about the way citizenship is defined, to add a third plank, which is that as citizens of this country, our country, we have a commitment to each and every citizen to respect and share the values that are common to all. ... the idea I want to capture is not merely our duty to the State as a State, but our duty and obligation to each other.

That reflects back to us, because just as we have a duty we also have a privilege as citizens of this excellent country to also be able to enjoy the freedoms and the philosophies that this country espouses, and they include within the basic framework of the overarching principles, the freedom to practise your religion, and the freedom to be culturally different so long as you respect the cultures of others as well, and do not in any way denigrate them. That is an important aspect of citizenship that I would have liked to have seen included in that particular clause.<sup>57</sup>

The Committee sees merit in the suggestion by Mr Tzannes, which should be implemented in the education program of the new Commission.

## 5.4 Definitions (clause 4)

Evidence to the Committee highlighted the fact that the Bill does not provide a definition of the term 'multiculturalism'.

The Committee notes that the current *Ethnic Affairs Commission Act 1979* does include a definition of 'ethnic affairs', viz:

... ethnic affairs means matters pertaining to the existence of different ethnic groups in the community.<sup>58</sup>

In evidence to the Committee, the Ethnic Communities Council argued:

... the definition of "multicultural" should be spelt out ...<sup>59</sup>

In response to questioning by the Committee, the Chairman of the Council for Multicultural Australia, Mr Neville Roach, recommended using the definition of multiculturalism put forward by the National Multicultural Advisory Council in 1999.<sup>60</sup> That definition states:

Australian Multiculturalism is a term which recognises and celebrates Australia's cultural diversity. It accepts and respects the right of all Australians to express and share their individual cultural heritage within an overriding commitment to Australia and the basic structures and values of Australian democracy. It also refers to the strategies, policies and programs that are designed to:

<sup>56</sup> Submission No 42, the Hon Bob Carr MP, Premier and Minister for Citizenship, pp4-5.

<sup>57</sup> Evidence of Mr Ross Tzannes, 22 May 2000, p26.

<sup>58</sup> *Ethnic Affairs Commission Act 1979*, section 5.

<sup>59</sup> Evidence of Ms Josie Lacey, Vice-Chairperson, Ethnic Communities Council of New South Wales, 8 May 2000, p15.

<sup>60</sup> Evidence of Mr Neville Roach, Chairman, Council for Multicultural Australia, 9 May 2000, p4.

- make our administrative, social and economic infrastructure more responsive to the rights, obligations and needs of our culturally diverse population;
- promote social harmony among the different cultural groups in our society;
- optimise the benefits of our cultural diversity for all Australians.<sup>61</sup>

This definition aligns with a comment by the Premier that:

... multiculturalism cannot be construed as a policy which affects only certain groups in our society, the 'ethnics'. Multiculturalism can only succeed if it engages everyone in its most powerful expression as a policy recognising individual identity and participation on an equal basis for all.<sup>62</sup>

It also satisfies criteria described by Dr Bill Cope of RMIT:

... the word "multicultural" ... describes all of us, the fact that we live together in a way that is tolerant and mutually respectful and where we all have rights.<sup>63</sup>

The Committee is satisfied that the definition championed by the National Multicultural Advisory Council could be modified for use by the new Community Relations Commission. The Committee does not, however, see a need for the definition to be included in State legislation.

### Recommendation

The Committee recommends that the New South Wales Government adopt the following definition of 'multiculturalism', put forward by the National Multicultural Advisory Council in their 1999 report *Australian multiculturalism for a new century: Towards inclusiveness*:

*Australian Multiculturalism* is a term which recognises and celebrates Australia's cultural diversity. It accepts and respects the right of all Australians to express and share their individual cultural heritage within an overriding commitment to Australia and the basic structures and values of Australian democracy. It also refers to the strategies, policies and programs that are designed to:

- make our administrative, social and economic infrastructure more responsive to the rights, obligations and needs of our culturally diverse population;
- promote social harmony among the different cultural groups in our society;
- optimise the benefits of our cultural diversity for all Australians.

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<sup>61</sup> National Multicultural Advisory Council, *Australian multiculturalism for a new century: Towards inclusiveness*, April 1999, p36.

<sup>62</sup> Submission No 42, the Hon Bob Carr MP, Premier and Minister for Citizenship, p7.

<sup>63</sup> Evidence of Dr Bill Cope, Director of the Centre for Workplace Communication and Culture, RMIT University, 8 May 2000, p52.

## 5.5 Name of the Commission (clause 6)

The most contentious issue arising from the Bill is the proposed change of name for the Ethnic Affairs Commission, to the Community Relations Commission. The great majority of the submissions received by the Committee and every witness who appeared before the Committee expressed a view on the name of the Commission. The great majority of the evidence presented to the Committee supported a view that the name "Community Relations Commission" would be enhanced by a reference to multiculturalism.

This section canvasses the viewpoints put forward in evidence, and culminates in a recommendation that takes into consideration all the arguments presented.

The Committee notes the view of the Minister Assisting the Premier on Citizenship, the Hon Morris Iemma MP, that he believes, as a result of community consultations he has undertaken as Minister Assisting the Premier and consultations within his own electorate, that:

To the extent that people have turned their minds to the debate over the name—that is, whether it should be a Community Relations Commission or, as you are putting forward, a Community Relations and Multiculturalism Commission—I do not believe that there is widespread concern in the community about that.<sup>64</sup>

### 5.5.1 Movement away from the term 'ethnic'

In his submission to the Committee, the Hon Bob Carr MP, Premier of New South Wales, explained that one of the reasons for moving from an Ethnic Affairs Commission to a Community Relations Commission is that:

... the term "ethnic affairs" no longer bears relevance to contemporary life in NSW. Although the term was adequate when put forward in the 1970s – it has outlived its usefulness.<sup>65</sup>

Evidence provided to the Committee showed a varying acceptance of this view.

Dr Bill Cope of RMIT University highlighted the dual meaning of the term 'ethnic':

... the word "ethnic" can mean people who are minorities, people who are different from the mainstream, people who are immigrants. That is one meaning of the word "ethnic". The other meaning of the word "ethnic" is that it relates to one's ancestry, in which everybody has things they believe in, things that are part of their culture and things that relate to their past.

The first difficulty is: does this word describe a few people or everybody? So that is a difficult word that has these two different meanings.<sup>66</sup>

Dr Tony Pun, Chairman of the Chinese Australian Union and Chairman of the Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999, felt that the term 'ethnic' is divisive:

<sup>64</sup> Evidence of the Hon Morris Iemma MP, Minister for Public Works and Services and Minister Assisting the Premier on Citizenship, 22 May 2000, p35.

<sup>65</sup> Submission No 42, the Hon Bob Carr MP, Premier and Minister for Citizenship, p2.

<sup>66</sup> Evidence of Dr Bill Cope, Director of the Centre for Workplace Communication and Culture, RMIT University, 8 May 2000, p52.

... in the last five years, for example, or even most recently since the emergence of One Nation, from Chinese community point of view the term "ethnic" has been degraded and bastardised.

...

We have said that the word "ethnic" has created a divide between us and them. In our community, particularly the Chinese community, we have felt that the word "ethnic" puts us in the position of a second-class citizen. This is our viewpoint. Not all ethnic communities are affected in the same way. I have very good community friends who have said to me that there are very good reasons for retaining the word "ethnic", but we do not think so<sup>67</sup>

A witness who stated he had strong ties to the Lebanese community, Dr Jamal Rifi, welcomed the change in name and expressed a strong preference to move away from terms that separate ethnic communities from the broader community:

During my discussions with many individuals I realised that some of them have mainly one objection to the bill, and that is the change of name from the Ethnic Affairs Commission to the Community Relations Commission. However, I also realised that many more—I being one of them— actually welcome the move away from the term "ethnic affairs" to a community relations approach. We believe that the term "ethnic affairs" has come to its use-by date. The introduction of the terms "community relations" and "citizenship" are positive steps towards ridding out institutions of names that stereotype people from ethnic communities and separate them from the broader community. The adoption of the new terms combats the us-and-them mentality and encourages all sections of the community to work together to resolve problems, and encourages everyone to participate in the broader community events.<sup>68</sup>

Other witnesses were prepared to concede there are negative connotations associated with the term 'ethnic' but felt it was important to move towards the term 'multicultural'. A representative of the Vietnamese Community in Australia, Ms Nga Do, told the Committee:

Originally the word ['ethnic'] probably had merit in describing the types of people migrating to a new country. As we progress we agree that the public perception of ethnicity has been stereotyped as minority groups. We support the intention that we need to move away from ethnicity and adopt a term that is more of a future look in promoting multiculturalism in Australia. You can still deliver your objectives in promoting multiculturalism without the word "ethnicity", but you need to have "multiculturalism" in the name.<sup>69</sup>

This viewpoint was echoed by Mr Ross Tzannes, who told the Committee:

I am happy to ditch "ethnic". That word has served its purpose. The Government is correct in ditching the word "ethnic". But it is a mistake to ditch the baby with the bath water. I saw the editorial in this morning's *Sydney Morning Herald*. Although I do not agree with all of it, I do agree with its final suggestion, which is a nice neat way out of the dilemma. It recommended that the name be changed and threw in the word "multicultural" somewhere.<sup>70</sup>

Similarly, Mr Neville Roach of the Council for Multicultural Australia stated:

I definitely support the dropping of the term "ethnic". I believe it has served its purpose. In our council, which Peter Wong was part of, we looked at the term "ethnic" and we felt that it was not an inclusive term. By definition, the way the term has been used in Australia has been to exclude people from an English-speaking background, which in Australia means the majority of the people. We believe that

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<sup>67</sup> Evidence of Dr Tony Pun, Chairman, Chinese Australian Union and Chairman, Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999, 9 May 2000, p41.

<sup>68</sup> Evidence of Dr Jamal Rifi, 22 May 2000, p17.

<sup>69</sup> Evidence of Ms Nga Do, Committee Member, Vietnamese Community in Australia, New South Wales Chapter, 9 May 2000, p32.

<sup>70</sup> Evidence of Mr Ross Tzannes, 22 May 2000, p25.

everyone is ethnic in one form or another, and people of an English-speaking background are ethnics of an English-speaking background. However, in the usage that the term has developed in our community, it has lost that meaning. ...

I believe that moving away from that term is a very good idea. However, it would be nice if the term "multicultural" were included in the name of the commission.<sup>71</sup>

However, the evidence showed a preference for the term 'ethnic' by some members of the community, including Mr Michael Cantali, who stated:

I would like to have the word "ethnic" per se in the name as well, quite frankly. It describes the work of the commission and I presume the work the Government is trying to do with our communities. All Australians, whether they come from one particular part of world or another, whether from an English-speaking country or a non-English-speaking country, or are indigenous Australians, are all ethnics. It makes no difference where we are from. The word "ethnic" describes all cultures from all backgrounds. It is not restrained and it should not be interpreted to mean that it is applicable only to those people from non-English-speaking backgrounds. So, I do not see why the word "ethnic" should not be part of the name per se.<sup>72</sup>

Mr Paul Nicolaou of the Ethnic Communities Council also preferred the term 'ethnic' but stated a willingness to use the word 'multiculturalism' if this was more acceptable to the wider community:

I would prefer to use the word "ethnic". However, the view in the community, it seems, and the view within the Government is that the word is no longer appropriate. No one has told me through research that the word is no longer applicable. However, I am happy to work with the system, to work with the Government, to work with the Ethnic Affairs Commission and to work with the community to come up with an appropriate solution to this inquiry or to the use of the words "ethnic" or "multiculturalism".<sup>73</sup>

The Ethnic Communities Council was not, however, willing to move all the way to 'community relations', with Mr Nicolaou clearly stating:

The ECC, after consultation with its members, still believes that the word "multiculturalism" should exist in the title of the commission.<sup>74</sup>

### **5.5.2 The importance of symbolism**

The importance of the name of the Commission as a symbol of the Government's commitment to multiculturalism was discussed by a number of witnesses at the public hearings.

Mr Ross Tzannes expressed a view that:

... one should not reject out of hand the importance of symbolism, which I tie to leadership; that is where it is important.<sup>75</sup>

In a similar vein, the President of the Greek Orthodox Community of New South Wales, Mr Harry Danalis, told the Committee that:

I think names have a certain symbolism. It is relevant to include the name. I do not want to stress it too much because if the bill was perfect I would not have a problem with the name. Part of the bill is about community relations and multiculturalism, and the name should reflect that.<sup>76</sup>

<sup>71</sup> Evidence of Mr Neville Roach, Chairman, Council for Multicultural Australia, 9 May 2000, pp2-3.

<sup>72</sup> Evidence of Mr Michael Cantalai, 9 May 2000, p23.

<sup>73</sup> Evidence of Mr Paul Nicolaou, Chairperson, Ethnic Communities Council of New South Wales, 8 May 2000, p12.

<sup>74</sup> Evidence of Mr Paul Nicolaou, Chairperson, Ethnic Communities Council of New South Wales, 8 May 2000, p4.

<sup>75</sup> Evidence of Mr Ross Tzannes, 22 May 2000, p25.

Ms Vivi Germanos-Koutsounadis, Executive Director of the Ethnic Child Care, Family and Community Services Co-operative Ltd indicated her belief that the title ‘community relations’ lacks symbolism:

Symbolism is very important to people and communities, and the title of "community relations" is not symbolic and, despite what is being claimed by the Government that the majority of ethnic communities accept it, they do not identify with it. "Multiculturalism" reflects the reality of their community and is in line with the Commonwealth Government policy and that in other States and Territories.<sup>77</sup>

### **5.5.3 Reasons why people are opposed to the proposed name**

*The name should reflect the role of the Commission*

There was a strong view in much of the evidence provided to the Committee that the name of the Commission should clearly reflect its role.

The Ethnic Communities Council supported this view, pointing out that:

The commission does not, of course, deal with community relations for the whole of the community but only where ethnic communities are involved. The objectives of the commission in the bill refer to participation by ethnic communities, access, multicultural society and cultural diversity. It may be considered that the objectives of the commission should be reflected in its name. ... Our view is that the title of the commission should include a reference to multiculturalism.<sup>78</sup>

A similar view was held by Mr Arthur Kapantzian in his submission to the Committee:

If the NSW Government is committed to multiculturalism, then the agency should be re-named the Multicultural Affairs Commission or Community Multicultural Relations Commission. This title has the capacity to correspond with the functions of the Commission. It can refer to the entire population of NSW and will reflect the principles, objects and functions ...<sup>79</sup>

The importance of the name of the Commission reflecting the principles of multiculturalism contained in the Bill was highlighted by a submission from the Croatian Intercommittee Council for NSW:

... the CIC [Croatian Intercommittee Council] does not believe that the new name of the Commission – the Community Relations Commission – adequately reflects and portrays the multicultural principles that it is meant to promote. The title of the Commission should contain the words “multiculturalism” or “cultural diversity”, words which are used extensively throughout the Bill.<sup>80</sup>

Ms Lenah Nahlous of the Information and Cultural Exchange Inc contrasted the generality of the proposed name with the specificity of the current title of the Ethnic Affairs Commission:

... there is a specificity in the current title which clearly indicates that it is a body that deals with affairs to do with ethnicity, that is, cultural affairs and issues for people from non-English speaking and refugee backgrounds. We are concerned that erasing ethnicity from the title will erase it from the equation, and this appears to be a step towards abolition of a specific body to address the issues of cultural diversity and ethnicity. ... Language is an important and cultural signifier. Thus, when the language is replaced, it

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<sup>76</sup> Evidence of Mr Harry Danalis, President, Greek Orthodox Community of New South Wales, 9 May 2000, p35.

<sup>77</sup> Evidence of Ms Vivi Germanos-Koutsounadis, Executive Director, Ethnic Child Care, Family and Community Services Co-operative Ltd, 8 May 2000, p76.

<sup>78</sup> Evidence of Ms Josie Lacey, Vice-Chairperson, Ethnic Communities Council of New South Wales, 8 May 2000, p6.

<sup>79</sup> Submission No 68, Mr Arthur Kapantzian, p9.

<sup>80</sup> Submission No 13, Croatian Intercommittee Council for NSW, p1.

follows that the concept which underpins the language will be eroded and eventually replaced, and this is what we feel to be the case, particularly with the words, "Community Relations Commission".<sup>81</sup>

Mr Pino Migliorino, President of Co.As.It (the Italian Community Association) stressed the importance of identifiable institutions that recognise the multicultural nature of our society:

... while the Act is an enshrinement of rights to do with ethnic communities rather than other specific targeted groups, the bill's title, Community Relations Commission, does not give a scent of that. So, our strong suggestion was to name the commission the Multicultural and Community Relations Commission. ... There is a sense we will fight tooth and nail to make sure there are icons, if you like, or identifiable institutions that recognise the fact there is a diverse society and the fact that we have contributed to society. I think that is lost in the notion of community relations ...<sup>82</sup>

*The proposed name is too broad and misleading*

Many submissions and witnesses criticised the proposed name of the Commission for allowing too broad an interpretation of the role of the Commission. Others felt that by giving the Commission such a broad name, it should not be restricted to issues based on linguistic, religious, racial and ethnic factors.

The Migrant Resource Centre of Newcastle and Hunter Region Limited, in its submission to the Committee, expressed the view that:

A community relations portfolio is a monstrous creation which is open to such wide interpretation as to be meaningless and is potentially the "whipping boy" for all of society's ills in NSW. We would not wish it on any government department.<sup>83</sup>

Ms Angela Chan, a member and former chairperson of the Ethnic Communities Council, commented that community was a term that could apply to any government department:

The name should contain words which make it quite clear to the community what the role of the commission is. The term "Community Relations Commission" is a generic term. "Community" is a word that can be used for any government department. We can have youth and community relations, women and community relations and police and community relations so the term "community" does not go to the heart or the perception of what the institution should represent. It appears that the Government is sympathetic to the principles of the terms multicultural and multiculturalism but, unfortunately, I do not think it is prepared to state that publicly which can only lead to serious confusion about what is intended and which community services should be provided in the future.<sup>84</sup>

Mr Vinh Nguyen of the Vietnamese Community in Australia was concerned that the term did not signify the Government's commitment to multiculturalism, with a possibility that term could be construed to include social and sporting groups:

... the word "community" is too broad. It does not indicate the Government's commitment to multiculturalism. It could be anything. It could be a group of people who gather together to play sport or a social group. It does not reflect racial, religious or cultural backgrounds.<sup>85</sup>

<sup>81</sup> Evidence of Ms Lenah Nahlous, Community Cultural Development Worker and Member, Information and Cultural Exchange Inc, 8 May 2000, p66.

<sup>82</sup> Evidence of Mr Pino Migliorino, President of Co.As.It (Italian Community Association), 22 May 2000, p37 & p39.

<sup>83</sup> Submission No 24, Migrant Resource Centre of Newcastle and Hunter Region Limited, p2.

<sup>84</sup> Evidence of Ms Angela Chan, 22 May 2000, p1.

<sup>85</sup> Evidence of Mr Vinh Nguyen, Vice President External Affairs, Vietnamese Community in Australia, New South Wales Chapter, 9 May 2000, p33.

A submission from the Unity Party contrasted the broad meaning of ‘community relations’ with the

... ‘community relations’ has been interpreted so broadly as to make it of limited value for policy development. Multiculturalism, on the other hand, has always been identified with respect and understanding of diversity, and promotion of cultural identities. The term ‘multiculturalism’ stands for the politics of recognition of cultural difference, while ‘community relations’ stands for the politics of neutralising a cultural difference.<sup>86</sup>

It was also noted that the NSW Teachers Federation stated in their submission:

Federation believes that the name change of the Ethnic Affairs Commission to Community Relations Commission is a retrograde step in achieving best practice in multiculturalism in New South Wales. Names such as Multicultural Commission, Multicultural Affairs Commission or Multicultural Relations Commission are more appropriate titles.<sup>87</sup>

The Croatian Intercommittee Council for NSW suggested there was a danger that the non-specific name might lead to a perception that the Commission offers mainstream services:

... the title Community Relations Commission is a generic term which does not indicate the specific nature of the services that the Commission will be offering, including for example, language services. One of the immediate dangers of such a non-specific name is of course that consumers will believe that the Commission offers mainstream services. If this occurs then some groups could be particularly disadvantaged as well as lead to an extra burden on current mainstream services.<sup>88</sup>

Ms Barbel Winter of the Multicultural Disability Advocacy Association questioned why there was a need for a Commission with a broader focus, given there are already a number of government bodies addressing specific needs within the community:

I am asking why would a commission be a commission for all of the community with all the government bodies, which are supposed to have some relationship with their communities and the services they fund, when there is such inequity as at the moment. Surely government's role is to look at current inequities in the community and address them somehow rather than saying, "This is for all of the communities." Yes, there are lots disadvantaged communities but there are lots of different bodies addressing those. Why is it that the only body aiming to address ethnic affairs all of a sudden becomes a broader community relations body?<sup>89</sup>

The proposition that the proposed name was misleading was also discussed by Professor Andrew Jakubowicz in his submission to the Committee. Professor Jakubowicz argued that a ‘Community Relations Commission’ could not be limited to the ethno-cultural agenda, and suggested that the legislation be amended to ensure the Commission could respond to the community in all its diversity:

... if this Commission is to be a “Community Relations” organisation, it has to include the whole community and allow for a definition of needs which is not limited by the ethno-cultural agenda which has been the focus of the old EAC.

I would suggest the Bill be amended to take account of these issues. If the government insists on a Community Relations Commission, it must enable the body to respond to the community in all its diversity, not simply as a de-facto Multicultural Relations Commission hiding behind another name. If it is not prepared to do this, then it must clearly label the Commission as a Multicultural Commission in

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<sup>86</sup> Submission No 44, The Unity Party, p3.

<sup>87</sup> Submission No 29, NSW Teachers' Federation, p1.

<sup>88</sup> Submission No 13, Croatian Intercommittee Council for NSW, pp1-2.

<sup>89</sup> Evidence of Ms Barbel Winter, Executive Director, Multicultural Disability Advocacy Association, 9 May 2000, p60.

some form or another, and justify its circumscription to issues based on linguistic, religious, racial and ethnic factors.<sup>90</sup>

Professor Jakubowicz went so far in his evidence to the Committee to praise the concept of a more inclusive Commission, expressing concern that the legislation constrains the operations of the Commission:

... I think it flags a government direction in relationship to a participative democracy, which I think is a very positive one, and my concern is that it constrains the commission only to operate in those dimensions where ethno-cultural questions are at stake.<sup>91</sup>

*Historical use of the term 'community relations'*

Dr Bill Cope of RMIT University explained to the Committee that the term 'community relations' has been used previously in the context of human rights and anti-discrimination. He expressed a view that 'community relations' does not therefore properly describe 'ethnic affairs':

The word "community" as a policy word was first introduced when Al Grassby was appointed Commissioner for Community Relations. The word dropped out of usage in the late 70s-early 80s when the Human Rights Commission was set up, and those community relations issues were then taken up as issues of legal rights, so community relations for Grassby and that commission actually meant dealing with legal issues around discrimination, which is the proper interest of organisations like the Human Rights Commission and the Anti-Discrimination Board.

So if we are to invent "community relations" again, it refers to something that is properly down under human rights and anti-discrimination and not properly down under something you would call ethnic affairs.<sup>92</sup>

*'Multiculturalism' is a term that is clearly understood*

Ms Hermine Partamian of the Inner West Migrant Resource Centre expressed her surprise that the government would discard the term 'multiculturalism', given the strong understanding within the community of the term:

The bottom line is that, whether it is multiculturalism, here there is a product. I look at it even as a marketing point as a product. It is a product that for 20 years successive governments have invested a lot of interest in, have put in a lot of resources.

I would say, by and large, 85 per cent of the population, even if they do not understand the meaning of it or anything, they have a clear understanding that Australia is multicultural. So it is give and take. But when you come to community relations, they say, "What does that mean? What am I supposed to do?". So in a way they are absolutely lost and they do not know the implication of that.<sup>93</sup>

In her submission to the Committee, Ms Partamian noted:

... it is interesting that at a time when many public and private organisations are keen to establish 'Product Identification' to gain market advantage, the EAC is giving up a name which has credibility and standing in the community.<sup>94</sup>

<sup>90</sup> Submission No 17, Professor Andrew Jakubowicz, p19.

<sup>91</sup> Evidence of Prof Andrew Jakubowicz, 8 May 2000, p35.

<sup>92</sup> Evidence of Dr Bill Cope, Director of the Centre for Workplace Communication and Culture, RMIT University, 8 May 2000, pp52-53.

<sup>93</sup> Evidence of Ms Hermine Partamian, Manager and Coordinator, Inner West Migrant Resource Centre, 8 May 2000, p50.

<sup>94</sup> Submission No 71, Inner West Migrant Resource Centre, pp1-2.

*A perception that the proposed name is designed to placate those opposed to multiculturalism*

Some witnesses expressed a view that the name ‘Community Relations Commission’ was designed to placate those people in the community who are opposed to multiculturalism.

The President of the Italian Community Association, Co.As.It, Mr Pino Migliorino, told the Committee that:

... I believe the legislation is for and about ethnic communities. I believe that the titling is for and about the general populace. By that I mean that I believe there is a perception in government that to articulate something which is about a specific group is to give a message to the general population that that group is getting special treatment. That might be right or it might be wrong, but that is the perception and that is a position that we have actually put to the Premier. We feel that it is unfortunate that a piece of legislation that is so strong in the protection of rights should become seen as something that needs to be sold to the general population as something that is not about multiculturalism and ethnic communities. That is a contextual call and I cannot suggest that the Government is wrong about that, other than to say that I do not think it is the best way to go.<sup>95</sup>

Professor Mary Kalantzis of RMIT University told the Committee that:

... I do not think that we need to be scared of that word [multiculturalism] because a minority in our country said they were scared of it. We do a disservice to the majority of Australians, good decent Australians who understood what kind of struggle and engagement they needed to be involved in. It would be wrong if we let the tail wag the dog because a minority of people associated with One Nation and the anxiety about that said that multiculturalism and ethnicity was a problem, so I think my claim to you is that we do a disservice to the Australian people and to future generations.<sup>96</sup>

Professor Kalantzis stressed the importance of using the word ‘multiculturalism’, particularly given recent attacks by a minority element:

Language is absolutely important, but I think politically as well as practically it is important now to keep the word "multiculturalism". ...

...over the time we have been using it, it was becoming a more inclusive concept. Part of it was because of the prescriptive things that we were doing. But you have got a small group cranky about the cost of some of that prescription, and we are all reacting to it as if it represents all of us. The rest of the world is happy to say Australia is a multicultural society. Tourism is sold that way. To move away from it as the flag that represents an activity, because we still have the prescriptive role, it is not over. We are not in this happy land where we are just members of the community.

For that reason, I would argue right now more than at any time in the world multiculturalism has to be kept. If this State wants to have a proud export record, wants to have good, international relationships as well as local relationships, it should have the courage to say it is a good term, it is a term we have used well. It is a term that has a job still to be done and we are happy to recognise that.<sup>97</sup>

Mr Ross Tzannes also advocated using the term ‘multiculturalism’, stressing the importance of ensuring that it is seen as inclusive:

It is so easy in this day of advertising, mass propaganda and massive hypnosis to make a word mean the opposite of what it was intended to mean. We should resist that tendency and not play that game. That is

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<sup>95</sup> Evidence of Mr Pino Migliorino, President of Co.As.It (Italian Community Association), 22 May 2000, p41.

<sup>96</sup> Evidence of Prof Mary Kalantzis, Dean, Faculty of Education, Language and Community Services, RMIT University, 8 May 2000, p55.

<sup>97</sup> Evidence of Prof Mary Kalantzis, Dean, Faculty of Education, Language and Community Services, RMIT University, 8 May 2000, p58.

why I nail my colours to the word "multiculturalism", and say to heck with it. I am sure I can convince people who are rational, thinking and caring that we are talking about them and us, and not us and not them.<sup>98</sup>

Ms Angela Chan expressed her concern that:

It will take us back to the time of assimilation if we have the words "Community Relations" and if we do not have a government department which clearly gives the public a perception of the Government supporting multicultural affairs. ... We have not won the battle and we still need programs in place and we need a government department in place which is clearly identifiable with multicultural affairs.

... I have often found that when it is a matter of fighting over words or a matter of semantics, when we throw away a word, we also throw away the concept and the philosophies that support the word.

... People in the community have felt that they have been under attack. They need reassurance that the leaders and the Government are there to support them and that multiculturalism is a fact of life.<sup>99</sup>

*Concern that the name change will lead to a role change*

There was a concern expressed in some submissions that the change of the name to the broader 'Community Relations Commission' might shift the focus of the Commission away from ethnic affairs.

The Inner and Eastern Sydney Migrant Interagency believe:

The proposed name implies that the EAC is moving away from its important role of valuing and promoting multiculturalism and cultural diversity. People from culturally and linguistically diverse backgrounds will not identify themselves with the new name, as it makes no reference to multiculturalism, cultural diversity and ethnic communities.

The term "community" at the present is unfortunately not inclusive of cultural diverse groups, but mainly refers to the majority Anglo Saxon population. In the current climate, IESMI [Inner and Eastern Sydney Migrant Interagency] members view the proposed name change with dismay, and believe that this initiative will weaken the Carr Government's expressed intention to "continue to lead Australia in strengthening cultural diversity" at a very crucial time. IESMI view this proposal as a step backward from extending and enhancing the Carr Government's policies of inclusiveness, as the proposed name does not refer or reflect the cultural diversity of the population in NSW.<sup>100</sup>

The Council on the Aging were held a similar view:

All levels of government currently use the term "community relations". It is inappropriate to change the name from one which is easily identifiable and recognised to one which is unclear and confusing. There is a danger that the current ethnic community focus of the Commission will be diminished in the change.

COTA (NSW) is concerned that the proposed name change will have the undesired effect of whitewashing the government's commitment to advancing pride in cultural diversity and heritage in members of the community.<sup>101</sup>

*The community is not ready for such a dramatic change*

A number of witnesses indicated that the change from an Ethnic Affairs Commission to a Community Relations Commission was too dramatic.

<sup>98</sup> Evidence of Mr Ross Tzannes, 22 May 2000, p28.

<sup>99</sup> Evidence of Ms Angela Chan, 22 May 2000, p2.

<sup>100</sup> Submission No 16, Inner and Eastern Sydney Migrant Interagency, p1.

<sup>101</sup> Submission No 43, Council on the Ageing (NSW) Inc, p1.

Professor Kalantzis held a view that:

... we still need institutions and mechanisms for intervening in such a way as to ensure understanding, negotiation, services, et cetera, so I do not think we are yet at a time when we can deploy that term "community relations" in the way that I think Mr Carr might rightly mean thinking that that is the end point. I do not think we are at that end point.<sup>102</sup>

Ms Paula Abood of the Information and Cultural Exchange Inc indicated there are still problems with equity of access:

I do not think we are ready to move away to this idealistic Australia or idealistic State of New South Wales where everyone knows their rights and entitlements and all government services and agencies are aware of issues of access of equity and go out there and identify and put programs in place.<sup>103</sup>

Dr Cecilia Fong of agreed that the change was too dramatic, and there needs to be a gradual progression to the concept of 'Community Relations':

I would say that probably a more direct way is to lead the community to understand what the Government is trying to do. From ethnic to community relations, there is something in between. I think "multiculturalism" is the word to lead the people's understanding of the future Community Relations Commission. By jumping straightaway from one to the other leads to confusion and multiculturalism can always be forgotten.<sup>104</sup>

*People looking for ethnic services will not know where to go*

An Indochinese Youth Policy Worker from Fairfield Migrant Resource Centre, Ms Monica Mazzone, indicated that the proposed new name of the Commission would make it difficult for the ethnic community to locate the agency:

There is some community concern as to why there is a need for this change of name. The migrant community identifies with the Ethnic Affairs Commission. They have heard this name and they know it. They have an understanding as to what it does and how it can assist them. Community Relations Commission means nothing to them; it has no connection to migrants or to multiculturalism.

For example, if someone wants to find a state authority for multiculturalism or one that deals in migrant issues in New South Wales and they try to look for it in a phone directory, they will not find the Community Relations Commission because they could be looking under "ethnic" or "multicultural". Nobody would think of looking under "community relations" for these kinds of issues.<sup>105</sup>

Mr Kerkysharian of the Ethnic Affairs Commission dismissed this concern, advising the Committee that the primary role of the Commission was not related to service provision:

Much was made by some of the witnesses appearing in front of this Committee saying that if you call it the Community Relations Commission, migrants will not know where to go. That is a complete misunderstanding of what the Ethnic Affairs Commission does. The only counter service we operate is for translation of documents. Most of our clients are sent to us by the Roads and Traffic Authority or some other government agency that wants documents translated. They point those people in our direction. The people who come to us are community workers or community leaders who, in most cases,

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<sup>102</sup> Evidence of Prof Mary Kalantzis, Dean, Faculty of Education, Language and Community Services, RMIT University, 8 May 2000, p55.

<sup>103</sup> Evidence of Ms Paula Abood, Community Consultant and Member, Information and Cultural Exchange Inc, 8 May 2000, p71.

<sup>104</sup> Evidence of Dr Cecilia Fong, Chairperson, Elderly Australian Chinese Homes, 9 May 2000, p21.

<sup>105</sup> Evidence of Ms Monica Mazzone, Indochinese Youth Policy Worker, Fairfield Migrant Resource Centre, 9 May 2000, pp50-51.

initiate the contact. We are not an organisation that is the front-line door for migrants who just get off the plane.<sup>106</sup>

#### **5.5.4 Reasons why people support the proposed name**

*The proposed name is more inclusive than the alternatives*

The Premier, the Hon Bob Carr MP, in his submission to the Committee, indicated that:

Our people are calling for greater inclusiveness, stronger relations between communities and acknowledgment of their commitment to Australia. This has come primarily from migrants and, in particular, their children.<sup>107</sup>

When asked why the term 'multiculturalism' was not used in the title of the new Commission, the Minister Assisting the Premier on Citizenship, the Hon Morris Iemma MP, told the Committee that:

... we feel that the words "community relations" are more inclusive. The functions and objectives of the commission are outlined in the bill. The work of the commission is cultural diversity and multiculturalism, and an all-encompassing, inclusive name for the commission "community relations" sits very well with that work.<sup>108</sup>

Minister Iemma also told the Committee that:

Consultations that I undertook as Minister Assisting the Premier and consultations within my own electorate revealed that "community relations" was a term that people were comfortable and content with for a body charged with delivering on all of those issues to deal with cultural diversity and multiculturalism.<sup>109</sup>

The Ethnic Affairs Commission submission to the Committee stated:

A change in name to Community Relations Commission signals to the community that the organisation is not 'for' a certain group of people in our society. Rather, it is about the relationships between all groups of people in our community. All have a role to play in ensuring the continuing success of multiculturalism. The name will reinforce inclusiveness and counteract the notion that multiculturalism is divisive and leads to cultural ghettos.<sup>110</sup>

In evidence to the Committee, Mr Kerkysharian expanded on the theme of inclusiveness:

... we can no longer look at this, whatever it is, as an ethnic thing. This is not a bill to appease the ethnics. That would be self-defeating and feed the opponents of multiculturalism. It is a bill that strives to make our society inclusive, enshrining our cultural diversity in legislation and reinforcing our unity of purpose.

For some time, the concept and the definition of multiculturalism have been misunderstood and at times manipulated by enemies of community harmony, and even amongst people of goodwill there have been different views on these matters.

<sup>106</sup> Evidence of Mr Stepan Kerkysharian, Chair and Chief Executive, Ethnic Affairs Commission of New South Wales, 22 May 2000, p48.

<sup>107</sup> Submission No 42, the Hon Bob Carr MP, Premier and Minister for Citizenship, p2.

<sup>108</sup> Evidence of the Hon Morris Iemma MP, Minister for Public Works and Services and Minister Assisting the Premier on Citizenship, 22 May 2000, p32.

<sup>109</sup> Evidence of the Hon Morris Iemma MP, Minister for Public Works and Services and Minister Assisting the Premier on Citizenship, 22 May 2000, p32.

<sup>110</sup> Submission No 47, Ethnic Affairs Commission, p12.

This confusion is apparent when well-meaning people in key positions have been referring to the ethnic as being an entity outside the mainstream community. Many people refer to the multicultural community as if "multicultural" is synonymous with "ethnic" and as if "multicultural" meant separate and non-Anglo Saxon.

These are practical realities which no amount of academic discourse on the finer points of the duality of meanings of the words "ethnic" and "multicultural" can correct in the minds of the ordinary people, let alone in the minds of the opponents of multiculturalism who have vested interests. There is no room for signposts that carry messages of them and us or the ethnics and the rest.

The establishment of a Community Relations Commission with the principles of multiculturalism enshrined in legislation will clarify this fundamental social policy and spearhead a movement of unity across our nation.

... We can either go down the path of raising our flag and declaring our separate territories of the ethnics and the rest or have signposts that say "We are one but many", to quote those famous lines.

The name Community Relations Commission says to us that we are a community of communities, which is ethnically, racially, linguistically and religiously diverse, that this diversity is recognised and accepted by Parliament and that the work of community relations within that community of communities is to ensure that the relationship between the culturally, linguistically, religiously, racially and ethnically diverse communities is a harmonious and a productive one with the rights of all people reinforced and guaranteed by Parliament. That is why it is called a Community Relations Commission, to include all who are diverse but equal and not the multiculturalists against the rest.<sup>111</sup>

Dr Jamal Rifi also saw the shift to a Community Relations Commission as a positive step that will assist all sectors of the community to work together to resolve problems:

... many ... —I being one of them— actually welcome the move away from the term "ethnic affairs" to a community relations approach. We believe that the term "ethnic affairs" has come to its use-by date. The introduction of the terms "community relations" and "citizenship" are positive steps towards ridding out institutions of names that stereotype people from ethnic communities and separate them from the broader community. The adoption of the new terms combats the us-and-them mentality and encourages all sections of the community to work together to resolve problems, and encourages everyone to participate in the broader community events.<sup>112</sup>

*The proposed name describes better what the agency needs to be doing*

The Hon Bob Carr MP, Premier of New South Wales, believes the proposed new name:

... Community Relations describes the new role of the Commission more precisely. The new Commission will be pro-active, working with ethnic communities in establishing partnerships and closer relations with other groups, non-government organisations and government agencies. A network of Community Relations Regional Advisory Councils, across urban and regional areas, will give ethnic communities a direct say on issues that affect them at a local level.<sup>113</sup>

A former Chair of the Ethnic Affairs Commission, Mr Paolo Totaro, supports the Premier in this view

... The Act is strengthened by the amendments. Indeed, the new title says exactly what needs to be done to counteract what backward steps have been taken in community relations in recent years.

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<sup>111</sup> Evidence of Mr Stepan Kerkysharian, Chair and Chief Executive, Ethnic Affairs Commission of New South Wales, 8 May 2000, pp21-22.

<sup>112</sup> Evidence of Dr Jamal Rifi, 22 May 2000, p17.

<sup>113</sup> Submission No 42, the Hon Bob Carr MP, Premier and Minister for Citizenship, p2.

... If the changes in the Act had happened during my time at the Commission, they would have eliminated straitjackets narrowing my functions. They would have given more scope to intervene in a broad debate into community relations, and would have removed a sense of being marginalized in an ethnic corner.<sup>114</sup>

The current Chair, Mr Kerkysharian, stressed the benefits of the Commission operating in the totality of the community:

What I strongly put to this Committee is that the Community Relations Commission will assist the commission to achieve its objectives because it will be seen as an organisation which operates within the totality of the community. To me, that is more important than putting up signposts, which is just targeting, or appears to be targeting, one particular and specific area of our community.<sup>115</sup>

### **5.5.5 Content of the legislation vs the name of the Commission**

A number of witnesses who appeared before the Committee made it clear that the substance of the Bill was far more important than the name of the Commission. Many witnesses, while supportive of a name that included the term 'multicultural', indicated that they would accept the proposed name if that meant the passage of the Bill was assured.

In their submission to the Committee, the Chinese Australian Forum stated:

We have heard that some parliamentarians would like to defeat the Bill because the words "multicultural" and "ethnic" are not in the name of the proposed Community Relations Commission. We feel their omissions are not sufficient strong reasons for defeating the Bill. ... the substance of the Bill far outweighs any perceived shortcomings in the name of the Commission ...<sup>116</sup>

Mr Harry Danalis, President of the Greek Orthodox Community of New South Wales, was of a similar view:

As to the name, we would also prefer to have a name that embodies "multicultural" or "multiculturalism". We do not want to make too much of an issue of the name. If the bill was perfect we would not quibble with the name but we think it is advisable if the bill is about multiculturalism and about multicultural affairs that the name should embody that word. ... The substance is what matters. As I said, the name has a certain symbolism but it is the substance of the bill. If the substance of the bill is right and if the objectives are correct, I would be happy with a two-line title. ... I will accept both. I think too much is being made of a name. What is in a name? I would accept either. I keep coming back to the question of the bill. I am concerned about the bill, its objectives being correct and its policies being implemented. As to the name, I think I can live with either.<sup>117</sup>

Mr Neville Roach, Chairman of the Council for Multicultural Australia stated:

Names are important but in the end it is what is behind those names and the behaviour that really count.<sup>118</sup>

Dame Francesca Merenda, a witness with strong ties to the Italian community, told the Committee that the work of the Commission was what was important:

<sup>114</sup> Submission No 95, Mr Paola Totaro AM, previous Chair of the Ethnic Affairs Commission of NSW, p2.

<sup>115</sup> Evidence of Mr Stepan Kerkysharian, Chair and Chief Executive, Ethnic Affairs Commission of New South Wales, 8 May 2000, p25.

<sup>116</sup> Submission No 21, Chinese Australian Forum, p2.

<sup>117</sup> Evidence of Mr Harry Danalis, President, Greek Orthodox Community of New South Wales, 9 May 2000, p34, p36 & p37.

<sup>118</sup> Evidence of Mr Neville Roach, Chairman, Council for Multicultural Australia, 9 May 2000, p8.

I have no hassles about either name. To me it does not really matter. It is the work that the commission is doing and how it is doing it that is important.<sup>119</sup>

Dr Cecilia Fong, while agreeing that the substance was more important than the form, indicated that the change in name might lead to the community losing confidence in the Commission:

It is agreed that emphasis should be placed on the substance of the matter rather than the form, however, the change of the name from Ethnic Affairs Commission to Community Relations Commission will have an emotional impact on a lot of people from different cultures, which may lead to their loss of confidence in the functions and objectives carried out by the Community Relations Commission.<sup>120</sup>

### **5.5.6 *Divisive nature of the issue***

The Committee notes that the issue of the change in name of the Commission has been a divisive one for ethnic communities throughout New South Wales. A number of witnesses were concerned about the impact of this division, especially given recent attacks on multiculturalism.

Dr Bill Cope of RMIT University made the following observation, typical of those who commented on the division:

Ethnic groups are very much split around it ...

... My perception is that ethnic communities are deeply divided over a political issue which they should never have been made to be divided over. It should never have been put before them because this is a time when we need to come together, not to be divided.<sup>121</sup>

### **5.5.7 *The 'by-line' compromise***

In evidence to the Committee, Mr Neville Roach, Chairman of the Council for Multicultural Australia, told the Committee about a compromise position he had suggested to the Premier in January this year. The compromise would see the new Community Relations Commission adopt a so-called 'by-line'<sup>122</sup>, incorporating the term 'multiculturalism' and providing a clear indication of the role of the Commission. Mr Roach told the Committee of his proposal:

... the issue of the new name proposed for the Ethnic Affairs Commission, namely the Community Relations Commission, has become an issue of significant controversy within Parliament, the media and the community. My own personal view is that the best outcome would be for the commission to reflect the intent of its work, which is a multicultural intent. I definitely support the dropping of the term "ethnic". I believe it has served its purpose. ... However, it would be nice if the term "multicultural" were included in the name of the commission. Of course, the word "multiculturalism" is enshrined within the Act ... there is no question that anyone who reads the bill will understand what it is all about. Most people, of course, do not read the bill but simply look at the superficial impression or image that they get.

However, in my view it is an issue that in the end is a secondary issue. It has to be resolved, and it should be resolved quickly. The longer it takes to be resolved, the more damage it is doing to the cause of multiculturalism. The only people who receive comfort from that are the intolerant people in our community. Considering that, and considering the feedback that I have had that the Government was

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<sup>119</sup> Evidence of Dame Francesca Merenda, 9 May 2000, p66.

<sup>120</sup> Evidence of Dr Cecilia Fong, Chairperson, Elderly Australian Chinese Homes, 9 May 2000, p14.

<sup>121</sup> Evidence of Dr Bill Cope, Director of the Centre for Workplace Communication and Culture, RMIT University, 8 May 2000, p60.

<sup>122</sup> The Committee notes that the term 'by-line' in fact refers to a line under the heading of a newspaper or magazine article giving the writer's name. Mr Roach's proposal might be more accurately described as a 'motto' or 'slogan'.

unlikely to change its view on the naming of the commission, I wrote to the Premier ... urging him to consider presenting the commission to the public with the term "multicultural" included within its title.

... My suggestion was if it could not be put into the bill itself and the name of the commission in a legal sense, the Premier should at least agree that wherever the commission presented itself, whether it was in the media, in its business guides, its letterheads, its promotional brochures, flyers and posters, everything it did, it should refer to itself as the Community Relations Commission for Multicultural New South Wales. I use the term "for Multicultural New South Wales" to parallel the name the Federal Government has given to the national council, which is the Council for Multicultural Australia. ...

... I know it is not the best possible outcome but I believe it is a sufficiently good outcome to allow us to move forward and focus on the main game, which is looking after the rights of communities that need support, looking after the development of community harmony, going forward as a united multicultural New South Wales and, as I said earlier, leading Australia in the direction. ...<sup>123</sup>

Responses to Mr Roach's suggestion have varied. A number of witnesses before the Committee indicated they were not happy with the compromise. Others see the compromise as Mr Roach does, as a way to move past the issue.

After representation from Mr Neville Roach, Chair of the National Multicultural Advisory Council and six Chinese community organisations the Premier signalled his support for a so-called 'by-line' in February 2000.<sup>124</sup> The Premier stated in a press release dated 11 February 2000:

... he had received a letter signed by leaders of the largest Chinese community organisations expressing their unanimous support for the Government's legislation. The leaders also proposed the inclusion of a by-line 'for a multicultural NSW' to be inserted in the new Commission's promotional and presentation materials.<sup>125</sup>

Mr Paul Nicolaou of the Ethnic Communities Council told the Committee that:

... there is still concern that the by-line is not sufficient. They feel that the word "multiculturalism" should be in the actual title of the commission.<sup>126</sup>

This view was supported by Ms Vivi Germanos-Koutsounadis of the Ethnic Child Care, Family and Community Services Co-operative Ltd, who said:

It is imperative that the word "multiculturalism", which espouses social justice, access and equity, stays firmly in the public vocabulary and on the New South Wales Government's agenda and in the whole-of-government application and not as an add-on.<sup>127</sup>

Many witnesses concurred with the view of Mr Bill Jegarow, who when asked whether he was happy with the proposed by-line, answered:

... it is a step in the right direction, but it is not sufficient.<sup>128</sup>

The submission from the Elderly Australian Chinese Homes (NSW) Co-operative Ltd expressed a concern that there would be no legislative basis for the 'by-line':

<sup>123</sup> Evidence of Mr Neville Roach, Chairman, Council for Multicultural Australia, 9 May 2000, pp2-3.

<sup>124</sup> Premier of New South Wales, 'Premier support Chinese community initiative', News Release dated 11 February 2000.

<sup>125</sup> Premier of New South Wales, 'Premier support Chinese community initiative', News Release dated 11 February 2000.

<sup>126</sup> Evidence of Mr Paul Nicolaou, Chairperson, Ethnic Communities Council of New South Wales, 8 May 2000, p11.

<sup>127</sup> Evidence of Ms Vivi Germanos-Koutsounadis, Executive Director, Ethnic Child Care, Family and Community Services Co-operative Ltd, 8 May 2000, p75.

<sup>128</sup> Evidence of Mr Bill Jegarow, 22 May 2000, p12.

... the fine print as suggested ... could easily be removed without any consultation to the public as it is not part of the official name.<sup>129</sup>

Mr Roach expressed a view that the underlying role of the Commission, as set out in the legislation, would provide some security:

... The big distinction between the two views, I suppose, is that one is enshrining it in legislation so that that is its legal and registered name and the other is that its registered name remains "Community Relations Commission" but you add to it a term that makes it clear what its thrust is. ... In the end someone can have a perfect name but not promote multiculturalism at all, or it could have an adequate name, which is what I am proposing, and promote it effectively. The real issue then is under the supervision of Parliament how that commission operates. To me, the fact that the legislation makes it clear what its role is, gives us the comfort that Parliament can always make sure that they do the right thing.<sup>130</sup>

Dr Jamal Rifi, who supports a change of name from the Ethnic Affairs Commission to the Community Relations Commission, told the Committee:

... we would prefer to have the Community Relations Commission [as opposed to the Ethnic Affairs Commission]. To have "Towards a multicultural New South Wales" would be even better. But with or without it I reckon the Community Relations Commission is a good name. If you want as a compromise to add the word "multicultural" to the name, I do not think it would reflect negatively.<sup>131</sup>

Advocates of the adoption of the by-line include the Australian Chinese Forum, whose President Mr Jon-Claire Lee told the Committee that the positives in the Bill led his organisation to support the idea:

Our feeling is that, of course, that would be the best solution if the name were included, but our feeling is that if the bill were defeated because of a problem in the name, that would really be a great shame because we feel that there are so many positives in the bill that if it is just because of the name that the bill is not passed that would be a really great shame, so that is why the six community groups came together to suggest a compromise solution for that problem.<sup>132</sup>

Mr Kenneth Kwok, President of the Australian Chinese Community Association and Member of the Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999 saw the by-line as complementing the name of the Commission:

We support the proposal to adopt the byline, which is for a multicultural New South Wales. This byline reflects the spirit of the bill and underscores the commission's commitment to multiculturalism. The byline is complementary to the inclusive nature of the name of the Community Relations Commission and highlights the role and importance of multiculturalism in achieving and maintaining harmonious relations amongst the diverse communities of New South Wales.<sup>133</sup>

Ms Nga Do of the Vietnamese Community in Australia argued that the by-line should be given a legislative basis:

To have it as a byline is nice, but it does not carry any emphasis about the commission's role. If the word "multiculturalism" is embedded in the name of the commission that would give it a stronger focus rather than having it as a byline.<sup>134</sup>

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<sup>129</sup> Submission No 69, Elderly Australian Chinese Homes (NSW) Co-operative Ltd, p1.

<sup>130</sup> Evidence of Mr Neville Roach, Chairman, Council for Multicultural Australia, 9 May 2000, p8.

<sup>131</sup> Evidence of Dr Jamal Rifi, 22 May 2000, p22.

<sup>132</sup> Evidence of Mr Jon-Claire Lee, President, Australian Chinese Forum, 8 May 2000, p43.

<sup>133</sup> Evidence of Mr Kenneth Kwok, President of the Australian Chinese Community Association and Member of the Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999, 9 May 2000, p39.

<sup>134</sup> Evidence of Ms Nga Do, Committee Member, Vietnamese Community in Australia, New South Wales Chapter, 9 May

### 5.5.8 Conclusion

The Committee received a great deal of evidence about the proposed name 'Community Relations Commission'. The majority of that evidence supports the view that the name 'Ethnic Affairs Commission' is no longer suitable and that the name include the word multicultural. The Committee acknowledges that there are considerable differences of opinion about the proposed name and this has caused division, especially in ethnic communities. The Committee is anxious that the community move past this issue so that the new Commission can continue its important work throughout New South Wales.

The difference of opinion about this issue makes it impossible to find a solution that will completely satisfy everyone. In light of this fact, it is important to find a compromise that will go some way to addressing the majority of concerns expressed. The compromise suggested by Mr Neville Roach of the Council for Multicultural Australia, together with representatives of Chinese community organisations, goes a long way towards addressing people's concerns about the proposed name. A legislative basis for Mr Roach's suggestion will provide a clearer indication of the Government's commitment to multiculturalism. Consequently, the Committee believes 'for a multicultural New South Wales' should be included in the legislation so as to provide the phrase with some legal status. This is included in the key recommendation at the end of this report.

## 5.6 Membership of the Commission (clause 7)

### 5.6.1 Number of Members

Evidence to the Committee indicated some concern about the proposal to reduce the number of Commissioners from a maximum of 15 Commissioners under the current *Ethnic Affairs Commission Act 1979* to a maximum of nine under the new legislation.

Mr Chuck Hong, in his submission to the Committee, argued that the reduction in the number of Commissioners will downgrade the role of the Commission:

This culling of the number of Commissioners significantly downgrades the role of the Commission. It takes a lot of convincing to argue that nine (or less) part-time Commissioners can do as much or more than 15 Commissioners.<sup>135</sup>

The Croatian Intercommittee Council for NSW felt that the decrease in the number of Commissioners would reduce the services provided by and activities conducted by the Commission:

... we note that the number of Commissioners will be at maximum nine. The CIC would not support a reduction of the number of Commissioners where this would result in a decrease in the number of services/activities being conducted.<sup>136</sup>

Similar concerns were raised by Ms Myriam Bahari of the Youth Action and Policy Association:

There are implications with the reduction of commissioners from 15 to nine. What would that mean for direct community input to the commissioners? Fifteen is not really representative of the community but at least it is better than nine<sup>137</sup>

2000, p31.

<sup>135</sup> Submission No 82, Mr Chuck E. Hong, p1.

<sup>136</sup> Submission No 13, Croatian Intercommittee Council for NSW, pp2-3.

The Committee notes the Government appears to be reducing the size of governing boards in other areas, with a view to these bodies operating as policy making and overall authorities, rather than being involved in day to day operations, which are the responsibility of the full-time staff. The Committee notes that a reduction in the number of Commissioners may result in a need for increased staff.

### **5.6.2 Background of Members**

The importance of ensuring people with appropriate backgrounds are appointed as Members of the Commission was stressed in evidence to the Committee, particularly in light of the proposal to expand its role.

The Inner West Migrant Resource Centre addressed this issue in its submission:

... taking into consideration the expanded role of the Commission, it seems it will require representation by the wider community and not be limited to ethnic groups. If this is the case, then some safeguards or formulae should be developed in order to have adequate representation of concerns relevant to people from Non-English speaking backgrounds.<sup>138</sup>

Dr Bill Cope of RMIT University suggested there should be a directive of some sort identifying requirements that must be met by prospective Commissioners:

... there is no requirement anywhere about what the membership of the commission would be. ... This is an area where one would expect even a broad statement that said "representative of diversity in the community", which would then put a requirement in terms of who the members were. I do think that specifying who the members of a committee, or a commission, or whatever are is pretty important in generic categories, rather than leaving it entirely open ended. So that, I would think, yes, it would be a pretty serious reason for concern, particularly given the fact that the word "community" could be defined as anything.<sup>139</sup>

In response, Mr Kerkysharian of the Ethnic Affairs Commission stated he thought there was no need for the legislation to contain such a level of detail:

The Ethnic Communities Council and other witnesses raised the issue that there is nothing in the legislation which says that the membership of these committees will be culturally diverse. I do not think that legislation should have that level of detail. After all, if you have a piece of legislation which says right at the top that the people of this State are of different ethnic, religious, racial and language backgrounds, then any structures set up under the legislation should reflect that diversity. For the Commission to effectively fulfil its functions, to consult widely on these issues and to use those regional advisory councils as consultation mechanisms—and let me state here that is not their only function—of necessity they would have to reflect the diversity of the people of the area which they represent.<sup>140</sup>

The Committee is satisfied there is no need for the legislation to be prescriptive about the background of Commissioners. However, in view of the concerns expressed, the Committee suggests the Minister consult with peak ethnic organisations about the appointment of Commissioners to ensure Commissioners have the confidence of those organisations.

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<sup>137</sup> Evidence of Ms Myriam Bahari, Non-English Speaking Background Youth Development Officer, Youth Action and Policy Association, 9 May 2000, p52.

<sup>138</sup> Submission No 71, Inner West Migrant Resource Centre, p5.

<sup>139</sup> Evidence of Dr Bill Cope, Director of the Centre for Workplace Communication and Culture, RMIT University, 8 May 2000, p62.

<sup>140</sup> Evidence of Mr Stepan Kerkysharian, Chair and Chief Executive, Ethnic Affairs Commission of New South Wales, 22 May 2000, p43.

## 5.7 Regional Advisory Councils (clause 10)

The Committee generally received positive comment about the advent of Regional Advisory Councils.

With respect to these Councils, the Minister Assisting the Premier on Citizenship, the Hon Morris Iemma MP, told the Committee:

Having gone through those regional and rural meetings last year and this year, I am quite optimistic about that proposal. The view of ethnic communities, particularly those in rural areas, was one of wanting to be more involved, wanting a focus on country and regional areas. Often the comment was that there are significant ethnic communities outside of metropolitan areas and they want to feel more included in the process. I think the initiative of regional advisory councils was very good in that regard. It also picks up on the fundamental task of the commission in relation to consultation and participation. It is a mechanism for consultation and participation for ethnic communities outside of our big metropolitan cities of Sydney, Newcastle and Wollongong.<sup>141</sup>

Mr Stepan Kerkysharian of the Ethnic Affairs Commission emphasised the benefits of the Regional Advisory Councils to the Commission:

For this Commission to be effective, its chairman, its commissioners and its staff will have to deal with the whole of the community. Therefore, we will have to have the ability to move around, to negotiate and to establish networks and structures where necessary to be able to address the issues that come within its functions and objectives. Therefore, when we move into regional and country areas with small numbers of people of a non-English speaking background or of a migrant background who have specific needs but who are not numerically large enough to establish their own ethnic community structures, the whole of the community in that area has to come to their aid. That is community relations assisting a section of the community that has specific needs.<sup>142</sup>

Mr Kerkysharian also highlighted the involvement of local councils in these fora:

The significant change in the proposed bill is that those councils will also have organisational representation. Instead of being a bilateral meeting of individuals from the community and government, they will be trilateral in that they will also have the capacity to bring in representatives of the local council, which provides significant services to the communities, and other organisations.<sup>143</sup>

Dr Jamal Rifi was a strong advocate for the Regional Advisory Councils, having recently participated in a community forum considering ethnic issues in his local area:

The proposed regional advisory councils can provide forums for people to come together and discuss issues of importance to local communities. Importantly, they will facilitate communication between ethnic communities, government and the broader community.<sup>144</sup>

The Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999, in its submission to the Committee, also supported the concept:

The Committee welcomes a network of Regional Advisory Councils to be set up by the Commission across New South Wales, strengthening its consultation with grass roots communities.<sup>145</sup>

<sup>141</sup> Evidence of the Hon Morris Iemma MP, Minister for Public Works and Services and Minister Assisting the Premier on Citizenship, 22 May 2000, p36.

<sup>142</sup> Evidence of Mr Stepan Kerkysharian, Chair and Chief Executive, Ethnic Affairs Commission of New South Wales, 22 May 2000, pp44-45.

<sup>143</sup> Evidence of Mr Stepan Kerkysharian, Chair and Chief Executive, Ethnic Affairs Commission of New South Wales, 22 May 2000, p44.

<sup>144</sup> Evidence of Dr Jamal Rifi, 22 May 2000, p17.

<sup>145</sup> Submission No 45, Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999, p2.

A criticism of the proposed Regional Advisory Councils was that the legislation does not provide for culturally diverse membership of the Councils. Ms Josie Lacey of the Ethnic Communities Council, in evidence to the Committee, stated:

The bill allows for regional councils to advise the commission. However, cultural diversity is not required of the membership of regional councils. Therefore, it is not clear whether ethnic communities in regional New South Wales will be represented on these councils. It is also not clear what the functions of these regional councils will be or how they will be funded.<sup>146</sup>

Similar comments were made in submissions from Professor Andrew Jakubowicz and the Council on the Ageing.<sup>147</sup>

The Committee's comment that there is no need for the legislation to be prescriptive about the background of Commissioners (see section 5.6.2 above) also applies to members of Regional Advisory Councils. Similarly, the Committee suggests the Minister consult with ethnic organisations about the appointment of members of Regional Advisory Councils.

## 5.8 Objectives of the Commission (clause 12)

In its submission to the Committee, the Ethnic Affairs Commission explained the impact of the objectives contained in the Bill:

These objectives underpin the framework for the success of the Community Relations Commission by retaining and expanding key elements of success for a multicultural society, namely:

- participation in community life and decision making as a fundamental principle for all in NSW;
- the responsibility of chief executive officers of public authorities to provide access to government services by implementing the Principles of Multiculturalism and the adoption of a wider definition of public authority to which these apply;
- providing for a Commission which will work across the public, private and community services to ensure, among other things, cohesiveness and community harmony, as well as the realisation of the asset that is cultural diversity, through, among other structures, the constitution of regional advisory councils to advise the Commission on any matter relating to the Commission's functions and also to deal with related matters at the local or regional level.<sup>148</sup>

One criticism of the objectives was that they do not include the promotion of the principles of multiculturalism.

Ms Myriam Bahari of the Youth Action and Policy Association told the Committee:

The promotion of multiculturalism is not in the objectives of the proposed changes. ... It does not say anything about promoting multiculturalism and the benefits it gives to society and our community ... The objectives and the functions are very insular about promoting the government authorities, rather than looking at how they can work with the community and resource the community, how they can become more accessible and equitable for the community as a whole.<sup>149</sup>

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<sup>146</sup> Evidence of Ms Josie Lacey, Vice-Chairperson, Ethnic Communities Council of New South Wales, 8 May 2000, p6.

<sup>147</sup> Submission No 17, Professor Andrew Jakubowicz, p9; Submission No 43, Council on the Ageing (NSW) Inc, p3.

<sup>148</sup> Submission No 47, Ethnic Affairs Commission, pp3-4.

<sup>149</sup> Evidence of Ms Myriam Bahari, Non-English Speaking Background Youth Development Officer, Youth Action and Policy Association, 9 May 2000, p51.

This concern was also raised in the submission from the Cambodian-Australian Welfare Council of NSW Inc:

Within the objectives for the Commission, as set out in the draft document, there is no link between the Objectives and the Principles of Multiculturalism. With this omission it is not clear just how this important Principle is to be implemented.<sup>150</sup>

The same concern was raised by the Ethnic Communities Council, the Ethnic Child Care, Family and Community Services Co-operative Ltd and the Council on the Ageing.<sup>151</sup>

Mr Kerkysharian of the Ethnic Affairs Commission argued that despite the fact the objectives do not explicitly state that the promotion of multiculturalism is an objective of the Commission, this is apparent from the totality of the Bill:

There is a contention that promoting the principles of multiculturalism is not one of the objectives of the commission in the bill. This contention is wrong because it does not take the totality of the bill into account. It completely misunderstands and ignores the objective of the commission in part 3 clause 12 of the bill. Also, the Chief Executive of the Community Relations Commission has a legislated responsibility under this bill to observe the principles of multiculturalism in conducting the affairs of the commission as required under section 3 subsections (4) and (5) and at the same time the objectives of the commission in objective 12(a), (b), (c) and (d).<sup>152</sup>

Another criticism related to the fact the objectives do not include social justice, cultural development or economic development for ethnic communities, priorities in the Ethnic Affairs Action Plan 2000 issued by the New South Wales Government in 1996.<sup>153</sup>

During her evidence before the Committee, Ms Josie Lacey of the Ethnic Communities Council of New South Wales told the Committee:

... the objectives do not include social justice, cultural development or economic development for ethnic communities. These were the priorities of the Ethnic Affairs Action Plan 2000 issued by the New South Wales Government in 1996, and we believe that these are important matters which need to be incorporated.<sup>154</sup>

Similar concerns were raised by the Cambodian-Australian Welfare Council of NSW Inc, Council on the Ageing and the Youth Action and Policy Association.<sup>155</sup>

The Committee notes that the Ethnic Affairs Action Plan 2000 was based on delivering outcomes against three key result areas: social justice, community harmony and economic and cultural

<sup>150</sup> Submission No 6, Cambodian-Australian Welfare Council of NSW Inc, pp3-4.

<sup>151</sup> Evidence of Ms Josie Lacey, Vice-Chairperson, Ethnic Communities Council of New South Wales, 8 May 2000, p4; Evidence of Ms Vivi Germanos-Koutsounadis, Executive Director, Ethnic Child Care, Family and Community Services Co-operative Ltd, 8 May 2000, p79; and Submission No 43, Council on the Ageing (NSW) Inc, p2.

<sup>152</sup> Evidence of Mr Stepan Kerkysharian, Chair and Chief Executive, Ethnic Affairs Commission of New South Wales, 8 May 2000, p19.

<sup>153</sup> Ethnic Affairs Commission of New South Wales, *Building on Our Cultural Diversity*, Report of the Review of the Ethnic Affairs Commission Act 1979 and the Development of an Ethnic Affairs Action Plan 2000, White Paper, 1996.

<sup>154</sup> Evidence of Ms Josie Lacey, Vice-Chairperson, Ethnic Communities Council of New South Wales, 8 May 2000, p4.

<sup>155</sup> Submission No 6, Cambodian-Australian Welfare Council of NSW Inc, p4; Submission No 43, Council on the Ageing (NSW) Inc, p2 and Evidence of Ms Myriam Bahari, Non-English Speaking Background Youth Development Officer, Youth Action and Policy Association, 9 May 2000, p51.

opportunities. The Committee is satisfied that the proposed legislation will continue to produce outcomes in these areas.

## **5.9 Functions of the Commission (clause 13)**

### **5.9.1 Expanded role of the Commission**

During his appearance before the Committee, the Minister Assisting the Premier on Citizenship, the Hon Morris Iemma MP, outlined some of the changes to the functions of the Commission:

The bill strengthens the new commission in a number of areas; its ability and function to carry out wide-ranging consultation and to enter into partnerships and co-operative arrangements with organisations and agencies to improve the standing of people from diverse cultural backgrounds. The bill allows the commission to expand its function in relation to racial vilification and discrimination and report on that and make recommendations to the Anti-Discrimination Board. Specifically it makes mention of its powers and functions in interpretive services and places that in a legislative framework.<sup>156</sup>

Positive comment about the increased liaison role was contained in the submission from the Migrant Resource Centre of Newcastle and Hunter Region Limited:

We do welcome the re-emphasis which is intended on liaison work for the new Commission. ... A strong liaison role of contact and interaction with communities is critical in rekindling greater confidence that the advice provided to the Government by any of its instrumentalities is relevant, realistic and timely<sup>157</sup>

However, one concern arising out of the expanded role of the Commission, particularly in relation to increased consultation and the new function of encouraging eligible people to become Australian citizens, is that this may divert funds away from activities currently undertaken by the Commission.

A submission from the Inner and Eastern Sydney Migrant Interagency stated:

There are concerns regarding the possibilities of changes in the role of the Commission, and what services will be cut back or sacrificed in order to take on any new roles. There appears to be no additional funding allocated to expand the Commission's role and thus IESMI assumes that there will be cuts in present areas of responsibilities of the EAC. IESMI supports the EAC's apparent interest in liaising with ethnic communities, but not at the expense of the Commission's other roles.<sup>158</sup>

Similarly, Ms Monica Mazzone of the Fairfield Migrant Resource Centre told the Committee:

The functions of the commission state that it has to encourage eligible people to become Australian citizens. We see that more as a Federal concern than a State concern. We are afraid that resources could be taken away from other aspects of the commission which we consider are more important, such as to promote multiculturalism and access and equity to government and non-government services.<sup>159</sup>

The Committee does not share concerns that funding will be diverted from current constituents and activities.

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<sup>156</sup> Evidence of the Hon Morris Iemma MP, Minister for Public Works and Services and Minister Assisting the Premier on Citizenship, 22 May 2000, p29.

<sup>157</sup> Submission No 24, Migrant Resource Centre of Newcastle and Hunter Region Limited, p1.

<sup>158</sup> Submission No 16, Inner and Eastern Sydney Migrant Interagency, p2.

<sup>159</sup> Evidence of Ms Monica Mazzone, Indochinese Youth Policy Worker, Fairfield Migrant Resource Centre, 9 May 2000, p52.

### 5.9.2 EAPS (Ethnic Affairs Priority/Policy Statements)

Evidence to the Committee highlighted considerable concern about the future of Ethnic Affairs Priority Statements (EAPS) under the new Community Relations Commission. Much of the evidence presented to the Committee showed there was a lack of understanding about current arrangements for EAPS, particularly in relation to the legislative status of EAPS. For this reason, the Committee has included some background material about EAPS before discussing the evidence received.

#### *Background*

The Ethnic Affairs Commission works with public agencies to ensure that the needs and aspirations of ethnic communities are integrated into the work of each agency. This is known as the Ethnic Affairs Priorities Statement (EAPS) program.<sup>160</sup>

There is no requirement in the *Ethnic Affairs Act 1979* for public agencies to prepare and report on their EAPS statements. Instead, all agencies are required to report annually on their Ethnic Affairs Priority Statements (EAPS). This requirement is contained in the regulations applying to the *Annual Reports (Statutory Bodies) and (Departments) Amendment (Ethnic Affairs) Regulation 1997* which applies to the *Annual Reports (Statutory Bodies) Act 1984* and *Annual Reports (Departments) Act 1985*. These Acts apply to all agencies which report to Parliament under the *Public Finance and Audit Act 1983* (schedules 2 and 3).

Schedule 1 of these regulations require Departments and statutory bodies to include in their annual reports:

- A statement setting out the progress in implementing the Department's/statutory body's ethnic affairs priorities statement, the key ethnic affairs strategies proposed by the Department/statutory body for the following year and information as to the ethnic affairs priorities statements of any bodies reporting to the Department/statutory body.
- A statement describing any ethnic affairs agreement entered into between the Department/statutory body and the Ethnic Affairs Commission and a statement setting out the Department's/statutory body's progress in meeting any such agreement.

#### *Impact of the proposed Bill on EAPS*

Schedule 3 of the proposed Bill lists consequential amendments of other Acts and regulations. Parts 3.1 and 3.2 make amendments to the *Annual Reports (Departments) Regulation 1995* and *Annual Reports (Statutory Bodies) Regulation 1995* that retain the annual reporting requirements.

The proposed Bill will change the requirements under Schedule 1 of the *Annual Reports (Departments) Regulation 1995* and *Annual Reports (Statutory Bodies) Regulation 1995* to require Departments and statutory bodies to include in their annual reports:

- A statement setting out the progress in implementing the Department's/statutory body's ethnic affairs priorities statement, the key ethnic affairs strategies proposed by the Department/statutory

<sup>160</sup> Ethnic Affairs Commission of New South Wales, *Ethnic Affairs Report 1999*

body for the following year and information as to the ethnic affairs priorities statements of any bodies reporting to the Department/statutory body.

- A statement describing any agreement entered into between the Department/statutory body and the Community Relations Commission under the *Community Relations and Principles of Multiculturalism Act 2000* and a statement setting out the Department's/statutory body's progress in implementing any such agreement.

*Concerns about EAPS raised in evidence*

Time and again, the evidence presented to the Committee detailed concerns that the EAPS were not mentioned in the objectives and functions of the proposed Community Services Commission.<sup>161</sup> A typical statement was made by Ms Josie Lacey of the Ethnic Communities Council:

The Government's process for planning and monitoring of access and equity for ethnic communities previously implemented through EAPS is not clear in the bill. A major role of the commission at present is the monitoring of government authorities' EAPS to ensure that government services are fully accessible to ethnic communities. EAPS is not included in this bill but a function of the commission is "to enter into agreements with public authorities . . . to promote the objectives of the Commission."

It is not clear whether these agreements would be called EAPS or whether there would be separate policy documents specifically covering service access and equity for ethnic communities. So it is implied but it is not there.<sup>162</sup>

The Premier, in his submission to the Committee explained that in fact the EAPS program will be strengthened under the new Bill:

A number of agencies are not clearly included in the scope of the existing EAPS program, such as local government, public institutions such as the New Children's Hospital and corporatised bodies. Many of these organisations, especially local councils, are publicly funded and provide important human services that will not necessarily service all sectors of the community.

The new Bill will extend the range of the EAPS program by broadening the definition of public authority. The existing definition is based on the liability of an organisation to be audited by the Auditor General, rather than on the requirement to report under the *Public Finance and Audit Act* as now applies under the *Ethnic Affairs Commission Act 1979 (as amended)*. . . .

The Bill requires the Community Relations Commission to add a further dimension to assess progress on the implementation of programs and services for our culturally diverse population by NSW Government agencies. The Bill will lend legislative support for the self-assessments that currently occur under the EAPS Standards Framework. While in practice, these self-assessments are considered by the Ethnic Affairs Commission in light of community feedback. The new Community Relations Commission will be specifically required to broaden and therefore enhance the assessment process.

This is expressed by Part 3, section 13 (g) which states that a function of the Community Relations Commission is to 'assist and assess the effectiveness of, public authorities in observing the principles of

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<sup>161</sup> For example, Submission No 6, Cambodian-Australian Welfare Council of NSW Inc, p4; Evidence of Mr Ross Tzannes, 22 May 2000, p26; Evidence of Ms Barbel Winter, Executive Director, Multicultural Disability Advocacy Association, 9 May 2000, pp58-59; Evidence of Ms Vivi Germanos-Koutsounadis, Executive Director, Ethnic Child Care, Family and Community Services Co-operative Ltd, 8 May 2000, p75; Evidence of Dr Bill Cope, Director of the Centre for Workplace Communication and Culture, RMIT University, 8 May 2000, p53.

<sup>162</sup> Evidence of Ms Josie Lacey, Vice-Chairperson, Ethnic Communities Council of New South Wales, 8 May 2000, pp4-5.

multiculturalism in the conduct of their affairs, particularly in connection with the delivery of government services'.<sup>163</sup>

With respect to assessing the effectiveness of government agencies, Mr Kerkysharian of the Ethnic Affairs Commission stressed the increased powers of the new Community Relations Commission:

At the moment we have an Ethnic Affairs Commission which can stop looking at access and equity if the Minister so directs us, whereas under the new legislation we have a legislated function to assess the effectiveness of government agencies. We have a legislated function to assist government agencies. That, to me, is a significant commitment in the area of access and equity and of social justice which we do not have now.<sup>164</sup>

The Committee is satisfied that the proposed legislation will not impact negatively on the current EAPS program.

### **5.9.3 Grants**

Another area that received some considerable attention in evidence to the Committee relates to the ability of the new Community Relations Commission to provide grants to community organisations.

Ms Josie Lacey of the Ethnic Communities Council of New South Wales told the Committee:

Under the bill the commission does not have a clear function to provide grants to community organisations. The functions do mention "to facilitate co-operative arrangements" involving government, business, educational and community groups. However, it is not clear whether this includes the continuation of the community grants program which is currently in operation under the commission.<sup>165</sup>

Similar concerns were expressed by the Cambodian-Australian Welfare Council of NSW Inc, Professor Andrew Jakubowicz, the Council on the Ageing and the Unity Party.<sup>166</sup>

Mr Kerkysharian of the Ethnic Affairs Commission assured the Committee:

We operate a grants program and that will continue. One of our functions is almost identical to the existing function which allows grants to be given out to ethnic communities.<sup>167</sup>

<sup>163</sup> Submission No 42, the Hon Bob Carr MP, Premier and Minister for Citizenship, pp8-9.

<sup>164</sup> Evidence of Mr Stepan Kerkysharian, Chair and Chief Executive, Ethnic Affairs Commission of New South Wales, 8 May 2000, p24.

<sup>165</sup> Evidence of Ms Josie Lacey, Vice-Chairperson, Ethnic Communities Council of New South Wales, 8 May 2000, p5.

<sup>166</sup> Submission No 6, Cambodian-Australian Welfare Council of NSW Inc, p2; Submission No 17, Professor Andrew Jakubowicz, p9; Submission No 43, Council on the Ageing (NSW) Inc, p3; and Submission No 44, The Unity Party, p7.

<sup>167</sup> Evidence of Mr Stepan Kerkysharian, Chair and Chief Executive, Ethnic Affairs Commission of New South Wales, 22 May 2000, p49.

## 5.10 Recommendation

The Committee supports the Community Relations Commission and Principles of Multiculturalism Bill as presented to the House, but recommends the following amendment:

Page 5, clause 6. Insert after line 9:

- (4) The Commission may adopt the phrase “For a multicultural NSW” for use in conjunction with the name of the Commission where appearing in promotional literature, official documents and other material issued by or on behalf of the Commission.

## **Statement of Dissent by**

**The Hon James Samios MLC  
The Hon Doug Moppett MLC**

We strongly disagree with the recommendation adopted by the Committee in the Interim Report.

We believe that the Committee Report does not adequately reflect the views of the majority of submissions, nor the evidence received by the Committee hearings. The recommendation is not derived from the evidence of documents tabled with the Committee and disregards the weight of submissions concerning the name of the Commission.

We note that:

- All submissions and witnesses had supported the objects of the Bill and the new description of the role and powers of the former Ethnic Affairs Commission.
- The definition of the principles of multiculturalism was generally welcomed, and useful minor amendments, which we support, were proposed.
- The vast majority of submissions had advocated an addition to the proposed name of the Commission to include the word “multiculturalism”.
- The Committee recommendation is that the Bill be amended to allow the Commission to use the phrase “for a multicultural NSW” in official communications. We do not agree that the use of this phrase as a motto satisfies the submissions which called for the incorporation of the word “multicultural”, or derivatives, in the name of the Commission.
- The proposed amendment to the legislation, which is embraced by the majority recommendation, and which establishes the motto in the legislation, was incorporated in the report at the behest of the members representing the government party (ALP).

We believe that the Committee has exceeded its charter in adopting as a recommendation a proposal which has no basis in the evidence taken and heard, and which is, in our opinion, a government amendment more properly debated in the Parliament.

We therefore recommend:

- That the Legislative Council take note of the clear majority of evidence and submissions supporting a change in the proposed name of the Commission to “Community Relations and Multicultural Affairs Commission” or “Community and Multicultural Relations Commission”.

## **Statement of Dissent by The Hon Dr Peter Wong MLC**

I strongly disagree with the findings and recommendation presented in the Majority Committee Report with regard to the following issues:

- the name of the proposed Commission;
- membership of the proposed Community Relations Commission;
- constitution of regional advisory councils.

### **General Statement**

The Majority Committee Report does not adequately reflect the views expressed in the majority of submissions, evidence received at Committee hearings and documents received by the Committee.

I am not satisfied that the Committee had the necessary time and resources to produce a balanced and well researched report, due to the time limitations imposed by the majority of members on the Committee. The Committee was given the task to issue an interim report only two weeks after it commenced public hearings and only four days after it concluded the final public hearing. In addition to considering formal submissions and hearings, the Committee also had the task of considering a large volume of tabled documents. The Committee was not able to consider thoroughly all the material presented, and this limitation of the Committee is reflected in the findings and recommendations contained in the Interim Majority Report.

I strongly believe that all issues of contention between members of the Committee could have been resolved, had the Committee had the necessary time for consideration of evidence and deliberation on issues presented in the final draft of the Committee Report. It is possible that the need for my dissenting statement would not have arisen, had there been more time and resources dedicated to this Inquiry.

I therefore recommend:

#### Recommendation 1

That notwithstanding the Interim Report of the Committee, the Committee continues to investigate the first part of the terms of reference, with particular emphasis on the broader issues relating to multiculturalism in NSW.

## Proposed name of the Commission

The Majority Committee Report downplays the strength of evidence received by the Committee, which suggests that 'multiculturalism' should be clearly and fully stated in the title of the Commission.

I disagree with the following recommendation of the Committee, which proposes a 'by-line' to be added to the proposed name Community Relations Commission:

That this Committee supports the Community Relations Commission and Principles of Multiculturalism Bill as presented to the House, but recommends the following amendment:

Page 5, clause 6. Insert after line 9:

- (4) The Commission may adopt the phrase 'For a multicultural NSW' for use in conjunction with the name of the Commission where appearing in promotional literature, official documents and other material issued by or on behalf of the Commission.

I do not believe that this is an adequate amendment to the proposed name of the Commission, for the following reasons:

1. The word 'multicultural' should be clearly stated in the full name of the Commission. There was strong evidence received by the Committee that it is imperative for the progress of multiculturalism for the name of the Commission to truly reflect its roles, objects and functions.

The majority of submissions also argued that inserting the word 'multicultural' in the full title of the Commission would be a more appropriate replacement for 'ethnic affairs' and would guarantee a commitment to multicultural policy in NSW.

According to evidence presented in the majority of submissions, the title 'Community Relations' is unacceptable for the following symbolic/ideological and practical reasons:

- The term 'community relations' is too generic and applies to the whole community. This title has no specific regard to cultural, religious and ethnic diversity in the community, and in this respect, it does not represent the symbolism of 'multiculturalism'.
- The symbolic representation of the Commission is crucial in demonstrating commitment to multiculturalism and promoting multiculturalism as a policy of the state. Use of the term 'community relations' without a clear expression of 'multiculturalism' within the name of the Commission, would indicate a departure from past policies on multiculturalism. These policies aimed to recognise cultural diversity in society and endorse the values of multiculturalism, by clearly signifying these in the titles of relevant Government departments and agencies.

It is likely that the failure to insert the word 'multiculturalism' in the name of the proposed Commission will create a perception in the public that the Government is not supportive of multiculturalism. Such a perception may encourage existing opposition to multiculturalism, and dismay those who support the view that culturally diverse communities are integral parts of the NSW society.

It is imperative that the word ‘multiculturalism’ which espouses social justice, access and equity, stays firmly in the public vocabulary and on the New South Wales Government’s agenda and in the whole-of-government application and not as an add-on.<sup>168</sup>

- The term ‘community relations’ may be confusing or misleading to the general public, and particularly to those individuals and groups from culturally diverse communities which directly benefit from the Commission’s services, through the use of interpreting services and the receipt of grants. I believe that the Commission cannot be efficient in its functions which relate specifically to the needs of culturally diverse communities if it is presented to these communities as a Commission which is concerned with the whole of community.
2. Enabling the proposed Community Relations Commission to use a ‘by-line’ on its promotional material cannot be considered a suitable or an equivalent alternative to amending the full name of the Commission so that it includes the word ‘multicultural’. This argument is also consistent with the majority of submissions. The reasons for this finding are the following:
- A ‘by-line’ of this form would not state the necessary commitment to multicultural policy, and would not fully express the role and functions of the new Commission. The full and official name of the Commission would continue to be the Community Relations Commission. This by-line will not appear in customary reference to the Commission, such as in comments by media or verbal communication in relation to the Commission. Therefore, the symbolic/ideological and practical difficulties associated with this name of the Commission (as stated in previously in item 1) would not be resolved.
  - The by-line does not represent a firm legislative commitment to multiculturalism. Since the amendment establishes a discretion for the Commission to use the proposed by-line, there is a strong possibility that the Commission may choose not to use the by-line in the future, without having a legal responsibility to present reasons for such a decision, or even for the changes to be endorsed by Parliament.
  - Along the lines of the argument that symbolism is very important in expressing the commitment to multiculturalism, a by-line of this form would carry negative symbolic connotations for the Commission. The symbolism of this by-line is that the word ‘multiculturalism’ is only of secondary importance and priority to the new Commission. This is not a message that the culturally diverse communities would support and encourage. A by-line of this form would suggest that the word ‘multicultural’ is not acceptable to the community and it should therefore be ‘hidden’. Such a message would also have negative repercussions for the future of multiculturalism.
  - Majority of evidence in support of a by-line in this form, had as their first proposal the inclusion of the word ‘multiculturalism’ to the name of the Commission. A by-line was only proposed as a compromise, a second choice, in the event that the different parties of the debate could not agree on the name of the Commission. I do not believe that all opportunities to include ‘multiculturalism’ in the name of the Commission have been exhausted, particularly in view that the Legislative Council has not had the opportunity to debate the Bill. I do not

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<sup>168</sup> Evidence of Ms Vivi Germanos-Koutsounadis, Executive Director, Ethnic Child Care, Family and Community Services Co-op, Ltd, 8 May 2000, p75)

believe that it is appropriate for this Committee to recommend that the 'second choice' of amendment to the name be adopted before the 'first choice' has been considered. I am convinced that almost all those who support a 'by-line' in the form suggested in the Majority Report would also support 'multiculturalism' being added to the name of the Commission.

- I therefore recommend:

#### Recommendation 2

That the Community Relations Commission and Principles of Multiculturalism Bill 2000 as presented to the House be amended, by replacing all reference to 'Community Relations Commission' with 'Community Relations and Multicultural Affairs Commission'.

### **Membership of the Committee**

It is proposed in the Bill that the number of Commissioners be reduced from the current fifteen full-time and part-time Commissioners to nine part-time Commissioners.

A majority of submissions received by the Committee expressed concern over the reduction of the number of Commissioners and their appointment on part-time basis. I concur with these concerns, as I believe the work of the Commission could be compromised by this reduction in the number of Commissioners.

If the proposed Commission has broader functions than the current Ethnic Affairs Commission, as maintained by the Government and the current Chair of the Ethnic Affairs Commission, particularly in regard to Regional Advisory Councils and the promotion of Australian citizenship, it would seem illogical that the number of Commissioners is reduced.

I therefore recommend:

#### Recommendation 3

That the provisions in this Bill relating to the membership and procedure of the Commission remain the same as the equivalent provisions in the Ethnic Affairs Commission Act 1979.

## **Regional Advisory Councils**

The Bill broadens and clarifies existing legislative provisions for the establishment and functions of Regional Advisory Councils. These are positive additions to the existing system, as regional areas of the State will be encouraged to participate in multicultural policies, and these Councils will enable implementation of the principles of multiculturalism at a local government level.

I believe that this Bill provides a significant opportunity to stipulate the work and membership of the Regional Advisory Councils, and that the Councils should appropriately reflect the cultural diversity of regional areas in the State. This view is consistent with submissions and evidence received by the Committee in relation to multicultural policies in regional areas.

I therefore recommend:

Recommendation 4:

That the Bill be amended to require that Regional Advisory Councils should comprise representatives of relevant agencies, community organisations or individuals including those representing diverse ethnic communities.

# APPENDIX 1

## ADVERTISEMENTS CALLING FOR SUBMISSIONS

Al Bairak	Saturday, 1 April 2000
	Arabic
Angora	Monday, 27 March 2000
	Polish
Australian Chinese Daily	Saturday, 1 April 2000
	Chinese
Australian Jewish News	Friday, 31 March 2000
	English
Australian Macedonian Times	Tuesday, 28 March 2000
	Macedonian
Bayamihan News	Saturday, 1 April 2000
	English
Chieu Duong	Saturday, 1 April 2000
	Vietnamese
Die Woche	Tuesday, 28 March 2000
	German
El Telegraph	Friday, 31 March 2000
	Lebanese

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Greek Herald	Wednesday, 29 March 2000 Greek
Hindi Samachar Patrika	Monday, 10 April 2000 Hindi
La Fiamma	Monday, 27 March 2000 Italian
Le Courier	Monday, 10 April 2000 French
Maltese Herald	Tuesday, 28 March 2000 Maltese
Novosti	Friday, 31 March 2000 Serbian
O Portuguese na Aust	Wednesday, 29 March 2000 Portuguese
Sing Tao Jih Pao	Saturday, 1 April 2000 Chinese
Spanish Herald	Saturday, 1 April 2000 Spanish
Spremnost	Tuesday, 28 March 2000 & Tuesday, 4 April 2000 Croatian
Sydney Korean Herald	Friday, 31 March 2000 Korean
Sydney Morning Herald	Saturday, 19 February 2000 English

Unification	Wednesday, 29 March 2000
	Russian
Yeni Vatan	Friday, 31 March 2000
	Turkish

## APPENDIX 2

### LIST OF SUBMISSIONS

1. TAI, Mr Kek
2. PONG, Mrs Angela (Chinese Elderly Welfare Association Inc)
3. PANG, Mr Eric (Australian Pan-Yu Association Inc)
4. ELEFThERIADES, Mr George (Australian Hellenes & Europe Nexus)
5. TAI, Mr K
6. YA, Mrs Tek Heang (Cambodian-Australian Welfare Council of NSW Inc)
7. LO, Mrs Virginia (Evergreen Elderly Centre Trust)
8. ESBER, Mr Fouad Abi (Ethnic Communities' Council of NSW – Youth)
9. HAROU-SOURDON, Mr Bernard
10. CRONIN, Mr Alan
11. KAHLA, Jay (Macarthur Migrant Resource Centre)
12. KEMP, Mr Paul
13. BERAM, Mr Tom (Croatian Intercommittee Council for NSW)
14. OOI, Dr Cary
15. EMERTON, Mr Neil
16. SQUIRES, Ms Tien (Inner & Eastern Sydney Migrant Interagency)
17. JAKUBOWICZ, Dr Andrew (University of Technology, Sydney)
18. CIDADE, Ms Beatriz (Fairfield Migrant Interagency)
19. MILLER, Ms Eliana Freydel

20. BABIC, Filipa
21. ANG, Dr Thiam (Chinese Australian Forum)
22. MISKIN, Rohani
23. HART, Mr Robert
24. CHAN, Mr Henry (Migrant Resource Centre of Newcastle & the Hunter Region Ltd)
25. MAYMAN, Mr Peter
26. McILVENNY, Ms Kerri (Community Arts Association)
27. ARMIDA, Croccolo
28. ALBORE, Stefano
29. HENNESSY, Mr John (NSW Teachers Federation)
30. SALAMATBAKHS, Balash
31. FONSEKA, Rajanie
32. YUE, Mr Kit (St James' Anglican Church Chinese Congregation)
33. NGO, Mr Dacco (Australian Chinese Buddhist Society Inc)
34. DONNELLY, Mr Robert (Australia-China Business Association Pty Ltd)
35. CYRIL
36. FERGUSON, Mr Andrew (Construction Forestry Mining Energy Union)
37. CAGGEGI, Ms Carmel (Local Government Community Services Association Inc)
38. DIEC, Mr Sam (International Chinese Poem Association)
39. DILLEY, Mr Rob (Ethnic Communities' Council – Newcastle & Hunter Region Inc)
40. CONFIDENTIAL
41. ROACH, Mr Neville (Council for Multicultural Australia)
42. CARR, Mr Bob (Premier, Minister for the Arts & Minister for Citizenship)
43. HAY, Ms Athena (Council on the Ageing)
44. JACOBS, Mr Alan (Unity Party, The)

45. CHUNG, Ms Catherine (Committee for Community Relations Commission & Principles of Multiculturalism Bill 1999)
46. MASSELOS, Ms Paula (Carnivale Ltd)
47. KERKYASHARIAN, Mr Stepan (Ethnic Affairs Commission of NSW)
48. FIELD, Ms Amanda (Illawarra Ethnic Communities' Council Inc)
49. CHUA, Dr Ka Sing
50. BAXTER, Mr Don (Australia Council for the Arts, The)
51. MALARA, Mr Roberto (Blacktown Migrant Resource Centre)
52. HARRIS, Usha Sundar
53. TAI, Mr Soong
54. KOUTSOUNADIS, Ms Vivi (Greek Orthodox Community of NSW Ltd)
55. BENJAMIN, Mr Susai
56. TONGSUMRITH, Dr Somchai
57. HUYNH, Mr Hoc Ku
58. GERMANOS-KOUTSOUNADIS, Ms Vivi (Ethnic Child Care, Family & Community Services Co-Operative Limited)
59. JOHNSTON, Ms Annette
60. VINNICOMBE, Mr Bob
61. KIMBERLEY, Mr Gareth
62. MAK, Mr Bun (Sydney West Elderly Welfare Association Inc)
63. CLIFT, Mr Colin
64. HUANG, Mr Zhao Bang (Australia Guangzhou Association Inc)
65. KUANG, Mr Ben (Benco Trading Pty Ltd)
66. HUANG, Mr Bill (Chinese Migrant Welfare Association)
67. WONG, Mr Victor (Australia Hokkien Huaykuan Senior Citizen Branch, The)

68. KAPANTZIAN, Mr Arthur
69. FONG, Dr Cecilia (Elderly Australian Chinese Homes (NSW) Co-Operative Ltd)
70. DONOVAN, Mr Scott
71. MANSOUR, Mr Morris (Inner West Migrant Resource Centre)
72. BELLAMY, E W
73. BAHARI, Ms Myriam (NESB Youth Issues Network – Youth Action & Policy Association)
74. GOTSIS, Mr Dimitri
75. GOTSIS, Ms Anne
76. GOTSIS, Ms Nina
77. GOTSIS, Mr Trakii
78. GOTSIS, Mr Nicholas
79. GOTSIS, Ms Eleni
80. WINTER, Ms Barbel (Multicultural Disability Advocacy Association of NSW)
81. ABOOD, Ms Paula
82. HONG, Mr Chuck
83. NICOLAOU, Mr Paul (Ethnic Communities' Council of NSW Inc)
84. DART, A
85. NGUYEN, Than (Vietnamese Community in Australia – NSW Chapter Inc)
86. NAHLOUS, Ms Lena (Information & Cultural Exchange Inc and Fairfield Community Resource Centre)
87. RANDALL-MOHK, Nola (Australian & Khmer Consultancy Service)
88. TAI, Mr Kek (Minto Chinese School)
89. KHOO, Mr Charles
90. COPE, Dr Bill (RMIT University – Centre for Workplace Communication & Culture)
91. NGO, Cr Thang (Fairfield City Council)
92. JEGOROW, Mr Bill

93. SALEM, Amir
94. OUDOMVILAY, Ms Mimi (Lao Community Advancement NSW Co-Op Ltd)
95. TOTARO, Dr Paolo
96. LEMBANOVA-MAKEDONSKA, Ms Jana

## **APPENDIX 3**

### **LIST OF WITNESSES**

Mr Paul Nicolaou	Chair, Ethnic Communities' Council of NSW Inc 8 May 2000
Mr Paul Mortimer	Policy Officer, Ethnic Communities' Council of NSW Inc 8 May 2000
Ms Josie Lacey OAM	Vice Chairperson, Ethnic Communities' Council of NSW Inc 8 May 2000
Mr Stepan Kerkyasharian	Chair and Chief Executive, Ethnic Affairs Commission of NSW 8 May 2000 and 22 May 2000
Ms Linda Pettersson	Principal Policy Officer, Ethnic Affairs Commission of NSW 8 May 2000
Ms Rosa Droescher	Acting Principal Policy Officer, Ethnic Affairs Commission of NSW 8 May 2000
Prof Andrew Jakubowicz	Professor of Sociology, University of Technology Sydney 8 May 2000
Dr Luan Thiam Ang	Immediate Past President, Chinese Australian Forum 8 May 2000
Mr Jon-Claire Lee	President, Chinese Australian Forum 8 May 2000

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Ms Hermine Partamian	Manager, Inner West Migrant Resource Centre 8 May 2000
Dr Bill Cope	Director, Centre for Workplace Communication and Culture, RMIT University 8 May 2000
Prof Mary Kalantzis	Dean, Faculty of Education, Language and Community Services, RMIT University 8 May 2000
Ms Michelle Kotevski	Acting Chair, Information & Cultural Exchange Inc 8 May 2000
Ms Paula Abood	Member, Information & Cultural Exchange Inc 8 May 2000
Ms Lena Nahlous	Community Cultural Development Worker, Information & Cultural Exchange Inc 8 May 2000
Ms Vivi Germanos-Koutsounadis	Executive Director, Ethnic Child Care, Family and Community Services Co-Operative Ltd 8 May 2000
Ms Diedre Freyburg	Community Worker, Ethnic Child Care, Family and Community Services Co-Operative Ltd 8 May 2000
Ms Mariette van der Meer	Ethnic Access Worker, Ethnic Child Care, Family and Community Services Co-Operative Ltd 8 May 2000

Mr Neville Roach AO	Chairman, Council for Multicultural Australia 9 May 2000
Dr Cecilia Fong	Chairperson, Elderly Australian Chinese Homes (NSW) Co-Operative Ltd 9 May 2000
Mr Robert Donnelly	Australia-Chinese Business Association 9 May 2000
Mr Kek Tai	9 May 2000
Mr Daniel Tsui	St James' Anglican Church Chinese Congregation 9 May 2000
Ms Anita Leung	Australian Chinese Buddhist Society 9 May 2000
Mr Zhao Bang Huang	Chairman, Chinese Migrant Welfare Association 9 May 2000
Cr Michael Cantali	9 May 2000
Mr Vinh Nguyen	Vice-President, Vietnamese Community in Australia – NSW Chapter Inc 9 May 2000
Ms Nga Kim Do	Committee Member, Vietnamese Community in Australia – NSW Chapter Inc 9 May 2000
Mr Harry Danalis	President, Greek Orthodox Community of NSW Inc 9 May 2000
Dr Tony Pun	Chairman, Chinese Australian Union & Member, Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999 9 May 2000

## LEGISLATIVE COUNCIL

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### Inquiry into Multiculturalism – Interim Report

Mr Kenneth Kwok	President, Australian Chinese Community Association & Member, Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999  9 May 2000
Mr Jeffery Ng	President, Chinese Youth League & Member, Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999  9 May 2000
Ms Catherine Chung	Secretary, Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999  9 May 2000
Ms Myriam Bahari	NESB Youth Development Officer, Youth Action and Policy Association (YAPA) & Convenor, NESB Youth Issues Network  9 May 2000
Ms Monica Mazzone	Indochinese Youth Policy Worker, Fairfield Migrant Resource Centre & Member, NESB Youth Issues Network  9 May 2000
Ms Barbel Winter	Executive Director, Multicultural Disability Advocacy Association  9 May 2000
Dame Francesca Miranda	9 May 2000

Ms Angela Chan	22 May 2000
Mr Bill Jegorow	22 May 2000
Dr Jamal Rifi	22 May 2000
Mr Ross Tzannes	22 May 2000
Hon Morris Iemma MP	Minister Assisting the Premier on Citizenship 22 May 2000
Mr Pino Migliorino	President, Italian Association of Assistance (Co.As.It.) 22 May 2000

## **APPENDIX 4**

### **COMMUNITY RELATIONS COMMISSION AND PRINCIPLES OF MULTICULTURALISM BILL 2000 (SECOND PRINT)**

The Bill has not been included in this electronic version of the report. A separate pdf file of the Bill is provided on the Committee's website, alongside the report.

Pages 77 to 104 are therefore not included in this electronic version of the report.

## **APPENDIX 5**

### ***ETHNIC AFFAIRS COMMISSION ACT 1979***

The Act has not been included in this electronic version of the report. A separate pdf file of the Act is provided on the Committee's website, alongside the report.

Pages 106 to 126 are therefore not included in this electronic version of the report.



# PROCEEDINGS OF THE COMMITTEE

## Minutes No. 25

Wednesday 2 February 2000  
At Parliament House at 10.00 am

### 1. Members Present

Rev Nile (in the Chair)  
Mr Kelly  
Mr Moppett  
Mr Primrose  
Mr Samios  
Mr Tsang  
Dr Wong

### 2. Apologies

Nil

\* \* \* \* \*

### 5. Correspondence

The Chair tabled twelve items of correspondence received:

\* \* \* \* \*

Letter from the Hon Peter Wong MLC, the Hon Patricia Forsythe MLC and the Hon Doug Moppett MLC, to Director, dated 23 November 1999, requesting that a meeting be convened to consider a reference relating to the Ethnic Affairs Commission.

Letter from the Hon John Jobling MLC, to Director, dated 24 November 1999, advising that the Hon Patricia Forsythe MLC will be replaced by the Hon James Samios MLC for the purposes of the proposed inquiry relating to the Ethnic Affairs Commission.

### 6. Multiculturalism Inquiry

Mr Samios moved:

That General Purpose Standing Committee No 1 inquire into and report on the

performance of the Government of New South Wales in respect of ethnic and multicultural policies, and in particular:

1. The impact which the name and role change of the Ethnic Affairs Commission of New South Wales to the Community Relations Commission will have on multiculturalism in New South Wales and the delivery of services to the ethnic communities of New South Wales.
2.
  - (a) The needs and aspirations of artists and communities of non-English speaking background and the vision, strategies and commitment of Government to meet those needs and aspirations and its delivery;
  - (b) the appropriateness and efficiency of government administrative processes and procedures to and Government funding, for the further improvement of multicultural arts in New South Wales.
  - (c) the circumstances surrounding the proposed de-funding of the Multicultural Arts Alliance; and
  - (d) the growth of multicultural arts as a significant part of the policy of multiculturalism in New South Wales.
3.
  - (a) The ability of the Board of the Carnivale to deliver on its objectives having regard to the level of Government funding for Carnivale;
  - (b) the role of the Board of the Carnivale to independently manage and deliver on its objectives to the ethnic community; and
  - (c) the circumstances of the resignation of the staff of Carnivale en masse, including the Director, Mr Lex Marinos, and General Manager, Mr Frank Panucci.
4. Any other related matters.

Debate ensued.

Dr Wong moved: That the question be amended by omitting all words after “particular:” and inserting instead:

1.
  - (a) The adequacy of Government policies and services in reflecting the cultural diversity of the New South Wales population;
  - (b) The efficacy of Government Departments and Agencies to perform in accordance with Ethnic Affairs Policy Statements (EAPS) and strategies for improvement in relation to EAPS.

- (c) The adequacy and efficacy of multicultural services to address the needs of people from non-English speaking backgrounds.
- 2. (a) The needs and aspirations of artists and communities from non-English speaking background and possible strategies to meet those needs and aspirations;
- (b) The appropriateness and efficiency of government administrative processes and procedures and funding, for further improvement of multicultural arts in New South Wales;
- (c) the circumstances surrounding the proposed de-funding of the Multicultural Arts Alliance; and
- (d) the growth of multicultural arts as a significant part of the policy of multiculturalism in New South Wales.

Mr Samios moved: That the amendment of Dr Wong be amended by inserting the words “including the Ethnic Affairs Commission” after the word “Agencies” in paragraph 1 (b).

Mr Kelly moved: That the amendment of Dr Wong be amended by adding at the end:

- 3. (a) The role of Carnivale in promoting contemporary multicultural arts practice;
- (b) the funding of Carnivale, including direct Government funding;
- (c) the role of the Board of Carnivale and measures adopted by the Board to independently manage and deliver on its objectives to the community.

Mr Tsang moved: That the amendment of Dr Wong be amended by replacing the word “growth” in paragraph 2 (d) by the word “future”.

Resolved, on the motion of Mr Primrose, that debate on this matter be adjourned until the conclusion of the hearing of the Committee to be held on Wednesday, 2 February 2000.

## **7. Adjournment**

The meeting adjourned at 10.40am until 10.41am on Wednesday, 2 February 2000

Anna McNicol  
Director

## **Minutes No. 27**

Wednesday 2 February 2000  
At Parliament House, at 5.01pm

### **1. Members Present**

Revd Nile (in the Chair)  
Mr Kelly  
Mr Moppett  
Mr Primrose  
Mr Samios (Forsythe)  
Mr Tsang  
Dr Wong

### **2. Apologies**

Nil.

### **3. Multiculturalism Inquiry**

Debate resumed about the adjourned debate of the question on the motion of Mr Samios relating to the referral of an Inquiry into Multiculturalism in New South Wales.

Mr Kelly moved: That the amendment of Dr Wong be amended by deleting paragraphs 1 (a), 1 (b) and 1 (c), and inserting a new paragraph 1 as follows:

1. The impact of the Government's Community Relations Commission and Principles of Multiculturalism Bill 1999 on:
  - (a) multiculturalism in New South Wales;
  - (b) the efficacy of Government Departments and Agencies performance in accordance with the Ethnic Affairs Policy Statements (EAPS) and strategies for improvement in relation to EAPS.
  - (c) the adequacy and efficacy of multicultural services in the public, private and community sectors to address the needs of people from non-English speaking backgrounds.

Question: That Mr Kelly's amendment to paragraph 1 be agreed to – put and passed.

Question: That Mr Tsang's amendment to paragraph 2 be agreed to – put and passed.

Question: That Mr Kelly's addition of paragraph 3 be agreed to – put and passed.

Question: That the amendment of Dr Wong, as amended by Mr Kelly and Mr Tsang, be agreed to – put and passed.

Original question, as amended:

That General Purpose Standing Committee No 1 inquire and report on multiculturalism in NSW and in particular:

1. The impact of the Government's Community Relations Commission and Principles of Multiculturalism Bill 1999 on:
  - (a) multiculturalism in New South Wales;
  - (b) the efficacy of Government Departments and Agencies performance in accordance with the Ethnic Affairs Policy Statements (EAPS) and strategies for improvement in relation to EAPS.
  - (c) the adequacy and efficacy of multicultural services in the public, private and community sectors to address the needs of people from non-English speaking backgrounds.
2.
  - (a) the needs and aspirations of artists and communities of non-English speaking backgrounds and possible strategies to meet those needs and aspirations;
  - (b) the appropriateness and efficiency of government administrative processes and procedures and funding, for the further improvement of multicultural arts in New South Wales;
  - (c) the circumstances surrounding the proposed de-funding of the Multicultural Arts Alliance; and
  - (d) the future of multicultural arts as a significant part of the policy of multiculturalism in New South Wales.
3.
  - (a) the role of Carnivale in promoting contemporary multicultural arts practice;
  - (b) the funding of Carnivale, including direct Government funding; and
  - (c) the role of the Board of Carnivale and measures adopted by the Board to independently manage and deliver on its objectives to the community.

– put and passed.

The Committee deliberated.

Resolved, on motion of Mr Moppett, that the Committee advertise for public submissions in relation to the inquiry, with a closing date of Friday, 31 March 2000.

Resolved, on motion of Mr Moppett, that Committee Members reserve from 10am to 5pm on Monday, 1 May 2000, Monday, 8 May 2000, Monday, 22 May 2000 and Monday 5 June 2000, for public hearings and deliberative meetings.

The Committee deliberated.

Resolved, on motion Mr Moppett, that a sub-committee consisting of Mr Samios, Mr Tsang and Dr Wong be formed to determine in which newspapers to advertise the Multiculturalism inquiry and that the sub-committee instruct the Director in this regard.

#### **4. Adjournment**

The meeting adjourned at 5.20pm until 10.00am on Monday, 10 April 2000

Anna McNicol  
Director

## **Minutes No. 30**

Monday 1 May 2000  
At Parliament House, at 4.10pm

### **1. Members Present**

Revd Nile (in the Chair)  
Mr Kelly  
Mr Moppett  
Mr Samios (Forsythe)  
Mr Tsang  
Dr Wong

### **2. Apologies**

Mr Primrose

### **3. Confirmation of minutes**

Resolved, on motion of Dr Wong, that the minutes of meetings number 25 and 27 be confirmed.

### **4. Multiculturalism Inquiry**

The Committee deliberated.

Resolved, on motion of Mr Tsang, that the Committee concentrate on part one of the terms of reference in the first instance, with a view to producing an interim report in the short-term.

Resolved, on motion of Dr Wong, that Monday, 22 May 2000 be reserved as a third hearing day for the multiculturalism inquiry.

Resolved, on the motion of Mr Kelly, that the Director contact the following persons/organisations and invite them to give evidence at the hearings on Monday, 8 May and Tuesday, 9 May 2000:

Ethnic Affairs Commission  
Ethnic Communities Council  
Dr Andrew Jakubowicz  
NESB Youth Issues Network  
Council on the Ageing  
Multicultural Disability Advocacy Association  
Council for Multicultural Australia  
Local Government Community Services Association  
Inner West Migrant Resource Centre  
Ethnic Child Care, Family and Community Services Co-operative

Ltd  
Chinese Australian Forum  
Committee for Community Relations Commission and Principles  
of Multiculturalism Bill 1999  
Australian Chinese Buddhist Society Inc  
Croatian Intercommittee Council for NSW  
Greek Orthodox Community of NSW Inc  
Cambodian-Australian Welfare Council of NSW Inc  
Vietnamese Community in Australia – NSW Chapter Inc

**5. Adjournment**

The meeting adjourned at 4.40pm until 10.00am on Monday, 8 May 2000.

Anna McNicol  
Director

## **Minutes No. 31**

Monday 8 May 2000  
At Parliament House, at 10.00am

### **1. Members Present**

Revd Nile (in the Chair)  
Mr Moppett  
Mr Primrose  
Mr Samios (Forsythe)  
Mr Tsang  
Dr Wong  
Mrs Sham-Ho (participating)

### **2. Apologies**

Mr Kelly

### **3. Confirmation of minutes**

Resolved, on motion of Mr Samios, that the minutes of meeting number 30 be confirmed.

### **4. Tabled Documents**

#### 4.1 Submissions

The Chairman tabled submission no.s 1 to 93 and supplementary submissions to submission no.s 9, 24,83, 92 (see Appendix 2).

#### 4.2 Correspondence

The Chairman tabled 18 items of correspondence received:

Letter from the Hon Dr Peter Wong MLC to Chairman, dated 23 February 2000, relating to a summit on multiculturalism that took place at Parliament House on 16 February 2000.

Letter from the Hon Bob Carr MP, Premier, to Chairman, dated 25 February 2000, indicating his intention to make a submission in relation to the multiculturalism inquiry, and providing contact details for a liaison officer.

Letter from Mr Stepan Kerkyasharian, Chairman, Ethnic Affairs Commission, to Committee Officer, dated 22 March 2000, providing copies of the Ethnic Affairs Report: 1998.

Letter from Ms Angela Chan, to Director, dated 12 April 2000, advising her interest in giving oral evidence to the Committee in relation to the inquiry into multiculturalism.

Letter from Ms Lena Nahlous, Community Cultural Development Coordinator, Information and Cultural Exchange Inc, to Committee Officer, dated 19 April 2000, regarding an extension of time for the lodgement of a submission.

Letter from the Hon Justice Marcus Enfield QC, to Director, dated 26 April 2000, regarding an extension of time for the lodgement of a submission.

Letter from the Hon Dr Peter Wong MLC, the Hon Jim Samios MLC and the Hon Doug Moppett MLC, to Chairman, dated 2 May 2000, proposing that the Committee request the Ethnic Affairs Commission to disclose submissions received by the Commission in response to *The Way Forward: A Consultation Document Leading to a Community Relations Commission*.

E-mail from Dr Bill Cope, to Director, dated 3 May 2000, advising his interest in giving oral evidence to the Committee in relation to the inquiry into multiculturalism.

Letter from Mr John Hennessy, General Secretary, NSW Teachers Federation, to Chairman, dated 3 May 2000, advising the Federation's interest in giving oral evidence to the Committee in relation to the inquiry into multiculturalism.

E-mail from Cr Thang Ngo, Fairfield City Council, to Director, dated 4 May 2000, advising his interest in giving oral evidence to the Committee in relation to the inquiry into multiculturalism.

Facsimile from Ms Catherine Chung, Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999, to Director, dated 4 May 2000, advising names of those persons who will attend the hearing on 9 May 2000.

Letter from Mr Chuck Hong, to Chairman, dated 5 May 2000, advising his interest in giving oral evidence to the Committee in relation to the inquiry into multiculturalism.

Letter from Mr Paolo Totaro, to Chairman, advising his interest in giving oral evidence to the Committee in relation to the inquiry into multiculturalism.

Letter from Ms Pino Migliorino, to President, Co.As.It. (Italian Association of Assistance), to Chairman of Committees, dated 5 May 2000, advising her interest in giving oral evidence to the Committee in relation to the inquiry into multiculturalism.

Letter from Dame Francesca Miranda, to Chair of the Committees, dated 5 May 2000, advising her interest in giving oral evidence to the Committee in relation to the inquiry into multiculturalism.

Letter from Mr Ross Tzannes, to Chairman, dated 5 May 2000, advising his interest in

giving oral evidence to the Committee in relation to the inquiry into multiculturalism.

Letter from Cr Michael Cantali, Council of Concord, to the Chair of Committees, dated 7 May 2000, advising his interest in giving oral evidence to the Committee in relation to the inquiry into multiculturalism.

Letter from the Hon David Oldfield MLC, to Chairman, dated 8 May 2000, advising his interest in giving oral evidence to the Committee in relation to the inquiry into multiculturalism.

## **5. Multiculturalism Inquiry**

The media and the public were admitted.

Mr Paul Nicolaou, Chairperson, Ms Josephine Lacey, Vice-Chairperson, and Mr Paul Mortimer, Senior Policy Officer, all of the Ethnic Communities Council, were sworn and examined.

Mr Nicolaou tendered three documents to support his evidence.

Resolved, on the motion of Mr Tsang, to accept the documents.

Ms Lacey tendered a document to support her evidence.

Resolved, on the motion of Mr Tsang, to accept the document.

Dr Wong tabled two documents.

Evidence concluded and the witnesses withdrew.

Mr Stepan Kerkyasharian, Chair and Chief Executive, Ms Linda Pettersson, Principal Policy Officer, and Ms Rosa Droescher, Acting Principal Policy Officer, all of the Ethnic Affairs Commission, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Prof Andrew Jakubowicz was sworn and examined.

Prof Jakubowicz tendered a document to support his evidence.

Resolved, on the motion of Dr Wong, to accept the document.

Dr Wong tabled one document.

Evidence concluded and the witness withdrew.

Dr Luan Thiam Ang, Immediate Past President, and Mr Jon-Claire Lee, President, both of the Chinese Australian Forum, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Ms Hermine Partamian, Manager and Coordinator, Inner West Migrant Resource Centre, was sworn and examined.

Ms Partamian tendered one document to support her evidence.

Resolved, on motion of Dr Wong, to accept the document.

Evidence concluded and the witness withdrew.

Dr William Cope and Prof Mary Kalantzis were sworn and examined.

Prof Kalantzis tendered four documents to support her evidence.

Resolved, on motion of Mr Samios, to accept the documents.

Evidence concluded and the witnesses withdrew.

Ms Michelle Kotevski, Acting Chair, Ms Paula Abood, Member, and Ms Lena Nahlous, Community Cultural Development Worker, all of the Information and Cultural Exchange Inc, were sworn and examined.

Ms Nahlous tendered three documents to support her evidence.

Resolved, on motion of Mr Samios, to accept the documents.

Evidence concluded and the witnesses withdrew.

Ms Viv Germanos-Koutsounadis, Executive Director, Ethnic Child Care, Family and Community Services Co-operative Ltd, Ms Deirdre Freyberg, Community Worker, and Ms Mariette van der Meer, were sworn and examined.

Dr Wong tabled three documents.

Evidence concluded and the witnesses withdrew.

The media and the public withdrew.

The Committee deliberated.

Resolved, on the motion of Mr Samios, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish today's transcript of evidence.

Resolved, on motion of Mr Primrose that written questions to be forwarded to witnesses who appeared at today's hearing for response be provided to the Director by 5pm on Tuesday, 9 May 2000, and that answers to these questions be required from witnesses by Friday, 19 May 2000.

Dr Wong tabled 55 documents.

The Committee deliberated.

Resolved, on motion of Mr Primrose, that the Committee Secretariat prepare a brief interim report for consideration by the Committee at a deliberative meeting on 22 May 2000.

The Committee deliberated.

Resolved, on the motion of Mr Samios, that Ms Angela Chan, Mr Paolo Totaro and Mr Ross Tzannes be invited to appear as witnesses at the hearing on 9 May 2000.

Resolved, that the Chair write to the Hon Morris Iemma MP, Minister for Public Works and Services and Minister Assisting the Premier on Citizenship, inviting him to appear as a witness before the Committee on Monday, 22 May 2000.

Resolved, on motion of Mr Samios, that Mr Bill Jegarow, Dame Francesca Merenda, Ms Pino Migliorino, Mr Michael Cantali and Mr Stepan Kerkyasharian be invited to appear as witnesses before the Committee on Monday, 22 May 2000.

## **6. Adjournment**

The meeting adjourned at 6.00pm until 10.00am on Tuesday, 9 May 2000.

Anna McNicol  
Director

## **Minutes No. 32**

Tuesday 9 May 2000  
At Parliament House, at 10.00am

### **1. Members Present**

Rev Nile (in the Chair)  
Mr Moppett  
Mr Primrose  
Mr Samios (Forsythe)  
Mr Tsang  
Dr Wong

### **2. Apologies**

Mr Kelly

### **3. Multiculturalism Inquiry**

The media and the public were admitted.

Mr Neville Roach, Chairman, Council for Multicultural Australia, was sworn and examined.

Evidence concluded and the witness withdrew.

Dr San-Ling Cecilia Fong, Chairperson, Elderly Australian Chinese Homes, Mr Robert Donnelly, Australia-China Business Association, Mr Kek Kong Tai, Mr Daniel Tsui, St James Anglican Church Chinese Congregation, Ms Anita Leung, Australian Chinese Buddhist Society, and Mr Zhao Bang (Bill) Huang, Chairman, Chinese Migrant Welfare Association, were sworn and examined.

Dr Fong tendered a document to support her evidence.

Resolved, on motion of Dr Wong to accept the document.

Mr Donnelly tendered a document to support his evidence.

Resolved, on motion of Dr Wong to accept the document.

Mr Tai tendered a document to support his evidence.

Resolved, on motion of Dr Wong to accept the document.

Mr Huang tendered a document to support his evidence.

Resolved, on motion of Dr Wong to accept the document.

Resolved, on motion of Dr Wong, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish the documents tabled by Dr Fong, Mr Donnelly, Mr Tai and Mr Huang.

Mr Huang tendered a document to support his evidence.

Resolved, on motion of Dr Wong to accept the document.

Evidence concluded and the witnesses withdrew.

Cr Michael Cantali was sworn and examined.

Evidence concluded and the witness withdrew.

Mr Vinh Nguyen, Vice President ,External Affairs, and Ms Nga Kim Do, Committee Member, both of Vietnamese Community in Australia, NSW Chapter, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Mr Harry Danalis, President, Greek Orthodox Community of New South Wales, was sworn and examined.

Evidence concluded and the witness withdrew.

Dr Tony Pun, Chairman, Chinese Australian Union and Chairman, Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999, Mr Kenneth Kwok, President, Australian Chinese Community Association, and Mr Jeffrey Ng, President, Chinese Youth League of Australia, were sworn and examined.

Ms Catherine Chung, Secretary, Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999, was sworn and examined.

Evidence concluded and the witnesses withdrew.

Ms Myriam Bahari, Convenor, NESB Youth Issues Network, Youth Action and Policy Association, and Ms Monica Mazzone, Indochinese Youth Policy Worker, Fairfield Migrant Resource Centre, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Ms Barbel Winter, Executive Director, Multicultural Disability Advocacy Association, was sworn and examined.

Ms Barbel tendered one document to support her evidence.

Resolved, on motion of Dr Wong, to accept the document.

Evidence concluded and the witness withdrew.

Dame Francesca Merenda was sworn and examined.

Evidence concluded and the witness withdrew.

The media and the public withdrew.

The Committee deliberated.

Resolved, on the motion of Mr Samios, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish today's transcript of evidence.

The Committee deliberated.

Resolved, on the motion of Dr Wong, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish submissions no: 1, 2, 3, 4, 5, 6, 7, 8, 11, 13, 14, 16, 17, 18, 20, 21, 24 and its supplementary, 29, 32, 33, 34, 37, 38, 39, 41, 42, 43, 44, 45, 47, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 62, 64, 65, 66, 67, 68, 69, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and its supplementary, 85, 86, 87, 88, 89, 90, 91, 92 and 93.

The Committee deliberated.

Resolved, on the motion of Dr Wong:

1. That, under paragraph 8 of the Resolution establishing General Purpose Standing Committee No. 1, which Committee is inquiring into multiculturalism, the Committee be provided with any document in the possession, custody or power of the Premier's Department, the Cabinet Office or the Ethnic Affairs Commission, in relation to the document "The Way Forward: A Consultation Document Leading to a Community Relations Commission" (referred to as "the document"), including, but not limited to:
  - (a) any document, including e-mail, received in response to the document or invitations to comment on the document;
  - (b) any document prepared subsequent to or in response to invitations for comment on the document;

- (c) any minutes of proceedings of the Ethnic Affairs Commission where the document or any related matters were considered, including any draft of a Bill providing for a Community Relations Commission; and
- (d) any document prepared in relation to the development of the provisions in the Community Relations Commission and Principles of Multiculturalism Bill 1999.
2. That the documents be provided to the Director of the Committee by 5.00 pm, Monday 15 May 2000.
3. That an indexed list of all documents provided under this resolution be prepared showing:
- \* the author;
  - \* a description of the document;
  - \* the date of creation of the document; and
  - \* in relation to submissions or comments on the document, any request for confidentiality by the author.
4. Where it is considered that a document required to be lodged with the Committee is privileged and should not be made public by the Committee:
- (a) a return is to be prepared and lodged with the Clerk showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege; and
- (b) the documents are to be delivered to the Clerk of the Legislative Council by 5.00 pm on Monday 15 May 2000 and made available only to Members of the Legislative Council and the Director of the Committee.
5. (1) That in the event of a dispute by any Member of the House communicated in writing to the Clerk as to the validity of a claim of privilege in relation to a particular document, the Clerk is authorised to release the disputed document to an independent legal arbiter who is either a Queen's Counsel, a Senior Counsel or a retired Supreme Court judge, appointed by the President, for evaluation and report to the Clerk within 5 days as to the validity of the claim.
- (2) A report from the independent arbiter provided to the Clerk of the House is to be made available only to Members of the Legislative Council and the Director of the Committee.
6. That the terms of this resolution be conveyed to Dr Col Gellatly, Director-General of the Premier's Department, by the Director of the Committee.

The Committee deliberated.

Resolved, on motion of Mr Samios, that Members be allowed an additional 24 hours to provide the Director with written questions to be forwarded to witnesses who appeared at yesterday's hearing for response.

The Committee deliberated.

Mr Primrose moved: that the Chairman be empowered to determine witness arrangements for 22 May 2000, subject to a deliberative meeting taking place in the afternoon.

Mr Samios moved: that the motion be amended by the addition of the words “and after the Chairman has made these arrangements, the Chairman advise Members of the Committee, and if there is disagreement the Chairman determine whether it is necessary to call a meeting to discuss the arrangements.

Question: that the amendment of Mr Samios be agreed to – put and passed.

Original question, as amended – put and passed.

The Committee deliberated.

Resolved, on motion of Mr Samios, that the Hon David Oldfield MLC, not be invited to appear as a witness before the Committee at this stage.

#### **4. Adjournment**

The meeting adjourned at 5.27pm until 9.00am on Monday, 22 May 2000.

Anna McNicol  
Director

## **Minutes No. 33**

Monday 22 May 2000  
At Parliament House, at 9.00am

### **1. Members Present**

Rev Nile (in the Chair)  
Mr Kelly  
Mr Moppett  
Mr Primrose  
Mr Samios (Forsythe)  
Mr Tsang  
Dr Wong

### **2. Apologies**

Nil.

### **3. Confirmation of minutes**

Resolved, on motion of Mr Samios, that the minutes of meetings number 31 and 32 be confirmed.

### **4. Tabled Documents**

#### 4.1 Submissions

The Chairman tabled the following submissions and supplementary submissions received:

No 94 – Ms Mimi Oudomvilay (Lao Community Advancement NSW Co-op Ltd)  
No 95 – Mr Paolo Totaro  
Supplementary to No 4 - Mr George Eleftheriades (Australian Hellenes & Europe Nexus)  
Second Supplementary to No 92 - Bill Jegarow

#### 4.2 Correspondence

The Chairman tabled 16 items of correspondence received:

Letter from Mr Kek Tai, to Chairman, dated 10 May 2000, relating to Mr Tai's appearance at the hearing on 9 May 2000.

Letter from Mr Stanley Xie, to Chairman, dated 10 May 2000, providing details about a meeting held on 1 April 2000.

Letter from Dr Jamal Rifi, to Chairman, to Chairman, dated 10 May 2000, advising his

interest in giving oral evidence to the Committee in relation to the inquiry into multiculturalism.

Letter and five boxes of documents from Dr Col Gellatly, Director General, Premier's Department, dated 15 May 2000, relating to the Committee's request of 10 May 2000 for certain documents.

Letter from Prof Andrew Jakubowicz, to Director, received 16 May 2000, providing answers to questions placed on notice.

Facsimile from Mrs Kathie Charalamoos, Office of the Minister for Public Works and Services and Minister Assisting the Premier on Citizenship, to Director, dated 16 May 2000, confirming the availability of the Minister to appear as a witness on 22 May 2000.

Letter from Mr (Bill) Zhao Bang Huang, Australia Guangzhou Association Inc, to Chairman, dated 18 April 2000, provided to the Committee with Mr Huang's corrected transcript and relating to matters discussed at the hearing.

Facsimile from Ms Myriam Bahari, NYIN Convener, to Chairman, dated 13 April 2000, relating to the Community Relations Commission Bill.

Answers to questions placed on notice from Mr Stepan Kerkyasharian, Chairman, Ethnic Affairs Commission, received 18 May 2000.

Letter from Mr Jon-Claire Lee, President, Chinese Australian Forum, to Members of the Legislative Council, dated 15 May 2000, expressing support for the Community Relations Commission and Principles of Multiculturalism Bill.

Letter from Dr Tony Pun, Chairman, Chinese Australian Union, to Members of the Legislative Council, dated 15 May 2000, expressing support for the Community Relations Commission and Principles of Multiculturalism Bill.

Letter from Mr Henry Pan, Chairperson, Chinese Australian Services Society Cooperative Ltd, to Members of the Legislative Council, dated 15 May 2000, expressing support for the Community Relations Commission and Principles of Multiculturalism Bill.

Letter from Mr Kenneth Kwok, President, Australian Chinese Community Association of New South Wales Inc, to Members of the Legislative Council, dated 15 May 2000, expressing support for the Community Relations Commission and Principles of Multiculturalism Bill.

Letter from Mr Jeffrey Ng, President, Chinese Youth League of Australia Inc, to Members of the Legislative Council, dated 15 May 2000, expressing support for the Community Relations Commission and Principles of Multiculturalism Bill.

Letter from Mr Peter Werthein, President, NSW Jewish Board of Deputies, to Members of the Legislative Council, dated 15 May 2000, expressing support for the Community Relations Commission and Principles of Multiculturalism Bill.

Letter from Dr Jamal Rifi, to Members of the Legislative Council, dated 17 May 2000, expressing support for the Community Relations Commission and Principles of Multiculturalism Bill.

## **5. Multiculturalism Inquiry**

The media and the public were admitted.

Ms Angela Chan was sworn and examined.

Evidence concluded and the witness withdrew.

Mr Bill Jegarow was sworn and examined.

Mr Jegarow tendered five documents to support her evidence.

Resolved, on motion of Mr Samios to accept the documents.

Evidence concluded and the witness withdrew.

Dr Jamal Rifi was sworn and examined.

Evidence concluded and the witness withdrew.

Mr Ross Tzannes was sworn and examined.

Mr Tzannes tendered a document to support her evidence.

Resolved, on motion of Mr Moppett to accept the document.

The Hon Morris Iemma MP, Minister for Public Works and Services and Minister Assisting the Premier on Citizenship, was admitted.

Evidence concluded and the Minister withdrew.

Mr Pino Migliorino, President of Co.As.It, was sworn and examined.

Evidence concluded and the witness withdrew.

Mr Stepan Kerkysharian, Chairperson and Chief Executive of the Ethnic Affairs Commission of New South Wales was admitted and sworn.

Evidence concluded and the witness withdrew.

The media and the public withdrew.

The Committee deliberated.

Resolved, on the motion of Dr Wong, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish today's transcript of evidence and all documents received from witnesses at today's hearing.

The Committee deliberated.

Resolved, on the motion of Dr Wong, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and the authority of Standing Order 252, the Committee authorises the Committee Director to publish submissions no 94 and 95 and the supplementary submissions to submissions no 4 and 92.

The Committee deliberated.

Resolved, on motion of Mr Samios, that the Committee meet from 9.00 am to 11.00 am on Friday, 26 May 2000 to consider the Chairman's draft report.

Resolved, on the motion of Mr Samios, that the Chairman seek a meeting with the Leader of the Government in the Legislative Council to discuss the timetable for debate of the Community Relations Commission and Principles of Multiculturalism Bill.

\* \* \* \* \*

## **6. Adjournment**

The meeting adjourned at 4.30pm until 9.00am on Friday, 26 May 2000.

Anna McNicol  
Director

## **Minutes No. 34**

Friday 26 May 2000  
At Parliament House, at 9.00am

### **1. Members Present**

Revd Nile (in the Chair)  
Mr Kelly  
Mr Moppett  
Mr Primrose  
Mr Samios (Forsythe)  
Mr Tsang  
Dr Wong

### **2. Apologies**

Nil.

### **3. Multiculturalism Inquiry**

Mr Tsang tabled a one page document.

Dr Wong tabled a one page document.

The Committee deliberated.

Resolved, on motion of Mr Moppett, that chapter five of the Committee's report commence with a summary of the evidence provided to the Committee.

Mr Primrose moved: that chapter five of the Committee's report include the recommendation:

That this Committee supports the Community Relations Commission and Principles of Multiculturalism Bill as presented to the House, but recommends the following amendment:

Page 5, clause 6. Insert after line 9:

(4) The Commission may adopt the phrase "For a multicultural NSW" for use in conjunction with the name of the Commission where appearing in promotional literature, official documents and other material issued by or on behalf of the Commission.

Debate ensued.

Question put.

The Committee divided.

Ayes: Rev Nile  
Mr Kelly  
Mr Primrose  
Mr Tsang

Nos: Mr Moppett  
Mr Samios  
Dr Wong

Question resolved in the affirmative.

The Committee deliberated.

Resolved, on the motion of Mr Kelly, that the Secretariat circulate the Chairman's draft report to Members by 5pm on Monday, 29 May 2000.

Resolved, on the motion of Mr Kelly, that the Committee meet at 1.00pm on Tuesday, 30 May 2000, to consider the Chairman's draft report.

Resolved, on the motion of Mr Kelly, that 5.00 pm on Tuesday, 30 May 2000 be the deadline for Members to lodge any dissenting statement to the Committee's report with the Committee Secretariat.

Mr Samios and Dr Wong advised the Committee they would be preparing dissenting statements.

Mr Tsang tabled a five page facsimile sent to him by Ms Edna McGill of the Ethnic Communities Council of NSW Inc, dated 26 May 2000.

Resolved, on the motion of Dr Wong, that the Chairman write to the Executive Officer of the Ethnic Communities Council of NSW Inc requesting verification of information contained in the facsimile (dated 26 May 2000) sent to Mr Tsang.

#### **4. Adjournment**

The meeting adjourned at 10.43 am until 1.00 pm on Tuesday, 30 May 2000.

Anna McNicol  
Director

## **Minutes No. 35**

Tuesday 30 May 2000  
At Parliament House, at 1.00pm

### **1. Members Present**

Rev Nile (in the Chair)  
Mr Kelly  
Mr Moppett  
Mr Primrose  
Mr Samios (Forsythe)  
Mr Tsang  
Dr Wong

### **2. Apologies**

Nil.

### **3. Confirmation of minutes**

Resolved, on motion of Mr Samios, that the minutes of meetings number 33 and 34 be confirmed.

### **4. Tabled Documents**

#### 4.1 Submissions

The Chairman tabled submission no 96 – Ms Jana Lembanova-Makedonska.

#### 4.2 Correspondence

The Chairman tabled one item of correspondence received:

Letter from Ms Irene Ross, Executive Officer, Ethnic Communities' Council of NSW Inc, to Chairman, dated 29 May 2000, providing information about the Council's policy on the proposed change of name of the Ethnic Affairs Commission.

### **5. Multiculturalism Inquiry**

The Chairman submitted his draft report entitled "Inquiry into Multiculturalism Interim Report", which having been circulated to each Member of the Committee, was accepted as being read.

The Committee considered the draft report.

Resolved, on the motion of Dr Wong, that section 1.2, be amended by inserting a new paragraph after paragraph 1: "In May 1999, the Legislative Council debated a motion,

moved by Mr Samios and amended by Dr Wong, in relation to the term citizenship and the proposed change of name of the Commission.”

Resolved, on the motion of Mr Samios, that section 5.5.1, paragraph 4, sentence 1, be amended by deleting the word “with” and inserting instead “who stated he had”.

Resolved, on the motion of Mr Kelly, that section 5.5.3 “Historical use of the term ‘community relations’” be moved to section 5.5.4 (which will then become section 5.5.3) and inserted as a sub-section under that section.

Resolved, on the motion of Mr Samios, that section 5.5.4, sub-section ‘The proposed name is too broad and misleading’, be amended by inserting a new paragraph under paragraph 5: “It was also noted that the NSW Teachers Federation stated in their submission: “Federation believes that the name change of the Ethnic Affairs Commission to Community Relations Commission is a retrograde step in achieving best practice in multiculturalism in New South Wales. Names such as Multicultural Commission, Multicultural Affairs Commission or Multicultural Relations Commission are more appropriate titles.””

Resolved, on the motion of Mr Tsang, that section 5.5.8, paragraph 3, sentence 1, be amended by deleting the words “a number of representatives from the Chinese community” and instead inserting “six Chinese community organisations”.

Resolved, on the motion of Mr Tsang, that section 5.5.8, paragraph 3, be amended by inserting a new sentence at the end: “The Premier stated in a press release dated 11 February 2000: “... he had received a letter signed by leaders of the largest Chinese community organisations expressing their unanimous support for the Government’s legislation. The leaders also proposed the inclusion of a by-line ‘for a multicultural NSW’ to be inserted in the new Commission’s promotional and presentation

Resolved, on the motion of Dr Wong, that section 5.5.9, paragraph 1, sentence 2 be amended by adding at the end “and that the name include the word multicultural”.

Resolved, on the motion of Mr Tsang, that section 5.5.9, paragraph 2, sentence 3, be amended by inserting after the words “Mr Roach” the words “of the Council for Multicultural Australia, together with representatives of Chinese community organisations”.

Resolved, on the motion of Mr Tsang, that section 5.5.9, paragraph 2, sentence 5, be amended by deleting the words “the name of the Commission should include ‘for a multicultural New South Wales’ and has made this its key recommendation at the end of this report” and instead inserting “‘for a multicultural New South Wales’ should be included in the legislation so as to provide the phrase with some legal status. This is included in the key recommendation at the end of this report”.

Resolved, on the motion of Mr Kelly, that the report, as amended, be the report of the Committee.

Resolved, on the motion of Mr Kelly, that the transcripts of evidence from 8 May, 9 May and 22 May 2000, and documents received (other than those documents against which a claim of privileged has been made) and correspondence received to date in relation to the inquiry, be tabled with the report and made public.

Resolved, on the motion of Mr Primrose, that the minutes record the appreciation of the Committee for the work of the Secretariat in the preparation of the report, under a great deal of pressure.

**6. Adjournment**

The meeting adjourned at 2.30 pm *sine die*.

Anna McNicol  
Director

## REFERENCES

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