



# 25 YEARS OF EAPS:

## REVIEW OF EAPS OPERATION IN NEW SOUTH WALES

March 2009



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## **REVIEW OF EAPS OPERATION IN NEW SOUTH WALES**

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**March 2009**



ISBN 978-0-9802978-6-7

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For a multicultural NSW

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## **Acknowledgements**

Time is very precious to everyone. Thanks are extended to all staff of key and non-key agencies who completed and returned the survey, and in particular staff from the key agencies who also participated in the face-to-face interviews and provided feedback at the forums.

Thanks also to staff from the Community Relations Commission, in particular Rosa Droescher, Peter Reynolds, Gosia Dybka, Sheetal Challam and Steffanie von Helle.

The University of New South Wales Steering Committee for the project included Dr Ilse Blignault and Patrick Harris, ably assisted by Cathryn Finney Lamb who conducted the interviews and analysed themes, and Paul Matters who developed the mapping of international and intra-national multicultural governance frameworks.

To all involved many thanks.

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# 25 years of EAPS: Review of EAPS operation

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## EXECUTIVE SUMMARY

It is 25 years in New South Wales since ethnic affairs were highlighted through the formal introduction of the EAPS Program (initially referring to the Ethnic Affairs Policy Statement and subsequently to the Ethnic Affairs Priorities Statement Program). During this time, the EAPS Program, or simply EAPS, has evolved in response to changing community and political environments. It is timely to review EAPS and the Standards Framework and to benchmark it internationally and against other states in Australia.

EAPS was originally introduced “as a means of confirming the Government’s commitment to the incorporation of ethnic policies in the delivery of mainstream services”<sup>1</sup>. The EAPS Program currently applies to over 200 government departments and agencies, with up to 20 designated as key agencies.

Enactment of the *Community Relations Commission and Principles of Multiculturalism Act 2000* additionally required, for the first time, that over 160 local councils uphold the principles of multiculturalism through the development and implementation of multicultural policy.<sup>2</sup>

This review focused on agency and Community Relations Commission (the Commission) views, but not on those of clients of government agencies or communities. Relevant documents from NSW, other Australian states and international governance models of multiculturalism were reviewed, interviews were conducted with four key agencies, additional key and non-key agencies were consulted in two forums and written submissions were accepted. The aim of this report is to provide recommendations for new procedures for EAPS planning, as well as recommendations to amend the EAPS Standards Framework. The review also aims to build capacity among NSW Government key agencies to develop and report against performance indicators for EAPS. The review did not set out to evaluate the effectiveness of EAPS in terms of client outcomes.

## EAPS is important and a first in Australia

EAPS was conceived in 1983 as a mechanism to bring systemic reform and change the attitudes of the bureaucracy towards provision of services to better meet the needs of a diverse population, in terms of ethnicity, language and religion. The then Labor Premier Wran was clear in his statement at the inception of EAPS that its primary function was to reform state public sector policies and activities to better meet the needs of a diverse population. EAPS was the first example of such a strong governance model for multiculturalism in Australia, and multiculturalism has enjoyed bipartisan support from successive governments.

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<sup>1</sup> Premier of NSW Memo *Ethnic Affairs Policies*, December 23 1983, p.1

<sup>2</sup> Launched in 2008, the Community Relations Commission and Department of Local Government jointly produced a kit and planning framework, *Implementing the Principles of Multiculturalism Locally*, to guide local councils in implementing multicultural policies and services.

This review concludes that EAPS is still a strong governance model for multiculturalism and access and equity and participation strategies across the NSW public sector. The EAPS Program, and its accompanying Standards Framework, have provided stringent measures for public agencies to review progress and demonstrate accountability to Parliament through the lead agency, the Community Relations Commission For a multicultural New South Wales.

Achievements include concrete programs and services within state government agencies, such as interpreter and translation services, multilingual information dissemination, identified positions that cater for culturally and linguistically diverse groups, and participation mechanisms, such as including people from diverse cultural backgrounds in consultation processes. Without the introduction of a formal and legislative reporting base, it is our view that such progress was unlikely.

While this review is not an outcome evaluation of EAPS or the Standards Framework, the study concludes that EAPS is the most effective example of multicultural governance that we have reviewed internationally and within Australia. The introduction of the Standards Framework in 1998 has encouraged consistent reporting and benchmarking.

## Structure of report

- Section 1 provides the background and context for this report
- Section 2 analyses the history of the EAPS Program
- Section 3 compares the equivalent legislation for EAPS and the Standards Framework within Australian states and territories, as well as a review of comparable legislation and policies in Canada, the United Kingdom and New Zealand
- Section 4 analyses agency views on EAPS and the Standards Framework
- Section 5 synthesises the findings and provides the rationale for recommendations.

## Recommendations for EAPS operation

EAPS has had a long and proud history and it is timely to plan for a better future. Actions will be required from agencies and the Commission to revitalise EAPS so it can continue to be a world leader. Ultimately, the goal is to provide equitable delivery of programs and services to all eligible people, and reduce linguistic, cultural, religious and racial barriers to programs and services provided by NSW public services. With these goals in mind, the review makes the following 14 recommendations.

Issue	Recommendation	Action by
Naming of EAPS	1. Consider a name change to EAPS to assist in revitalisation of the program.	The Commission and Minister for Citizenship
Forward planning	2. Trial new processes for the Commission to work collaboratively with EAPS key agencies on forward planning.	The Commission

Issue	Recommendation	Action by
Information for CEOs	3. Develop strategies to assist CEOs in meeting their mandatory obligations to implement the principles of multiculturalism through EAPS.	The Commission
Recognise excellence	4. Introduce an award to recognise excellence in agency EAPS performance.	The Commission and Minister for Citizenship
Skills building	5. Provide agency networks with support for EAPS information sharing and skills building.	The Commission and key agencies
Information and training	6. Provide regular information and training on the revised EAPS Program to New South Wales agency staff.	The Commission
Standards Framework	7. Review and trial the new format and wording for the Standards Framework with pilot agencies during planning to ensure clarity and currency.	The Commission and pilot agencies
Standards Framework	8. Revise the Standards Framework to reflect the need for agencies to adopt an outcomes based approach and develop effective performance measures.	The Commission
Data use for EAPS	9. Prepare a discussion paper on data collection to assist consistent use of data across agencies.	The Commission
Technology use	10. Establish an EAPS online system for electronic lodgement of EAPS, and communication between the Commission and NSW agencies.	The Commission
Resource handbook	11. Publish for CEOs, senior managers and EAPS practitioners a new resource handbook which includes changes to EAPS, the revised Standards Framework and suggested EAPS strategies.	The Commission
Shared language	12. Provide definitions of key terminology related to EAPS in the new EAPS resource handbook and other information.	The Commission
Inter-agency planning	13. Initiate inter-agency EAPS planning to address issues requiring joint planning.	The Commission and NSW agencies
State-wide outcomes	14. Undertake a study to explore the feasibility of defining state-wide EAPS outcomes/benchmarks including those for regional areas.	The Commission and Department of Premier and Cabinet

## SECTION 1: BACKGROUND AND CONTEXT

This review flows from recommendations in the White Paper, *Cultural Harmony: The Next Decade 2002-2012* (2006). Specifically, the review addresses the recommendation that the Community Relations Commission (the Commission) should conduct:

“a review of the EAPS Standards Framework, taking into account the recommendations arising from the review and comments received during the consultation process.”<sup>3</sup>

Though the 2006 White Paper’s *Plan of Action 2012* was not limited to the Ethnic Affairs Priorities Statement (EAPS) process, it pointed to EAPS as the “cornerstone of performance in the NSW public sector”. It outlined issues relating to EAPS from consultations and submissions, and recommended a series of actions. Table 1 provides a summary of the issues and actions relevant to EAPS and the Commission.

The aim of this report is to build upon work initiated through the White Paper, provide recommendations for new procedures for EAPS planning and assessment, and build capacity among NSW Government key agencies to develop and report against performance indicators for EAPS. The review is not an evaluation of the effectiveness of EAPS in terms of client outcomes.

This review of EAPS operation commenced in December 2007, with initial agency interviews in February-May 2008, followed by a meeting with selected key agencies in June 2008, a discussion forum in July 2008 that included eight key agency presentations, and further submissions in August as well as a meeting with pilot key agencies in November 2008. The review team sought to address the multiple views on EAPS and its operation from agency and Commission perspectives. Views of EAPS clients were not within the scope of this review.

Findings from consultations with EAPS key and non-key agencies and international and Australian state comparisons were analysed during the review and discussed with Commission staff. This process established an ongoing dialogue on the issues raised, in particular changes to the Standards Framework. As a result, action has already been taken on some recommendations in this report.

### The EAPS review process

The analysis of agency views was done in the spirit of cooperative inquiry<sup>4</sup> (Heron 1996, Reason 1998). As a result, some suggested strategies and ideas were adopted by the Commission prior to completion of the final report. This process of action that is based on research that informs policy is a positive outcome of cooperative inquiry methodology.

The review process included:

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<sup>3</sup> NSW Government White Paper, *Cultural Harmony: The Next Decade 2002-2012* and *Community Plan of Action 2012*, 2006, p.68

<sup>4</sup> Action research in the human sciences and in management approaches is variously referred to as “co-operative inquiry”, “participatory action research” or “action inquiry”. In these forms of experiential action research, all those involved in the inquiry process are co-researchers, contributing both to the thinking that forms the research endeavour and to the action which is its subject (Reason 1998).

- review of documents relating to EAPS governance in NSW
- review of documents on governance models – Australian states and internationally
- interviews with selected key agency staff
- presentation of preliminary key findings at a key agency meeting
- analysis of emerging key themes
- presentation by additional key agencies at the July forum on EAPS in operation
- written submissions
- analysis of additional themes from forums, submissions and presentations.

The review commenced in December 2007 with a further review of key documents relating to EAPS in NSW (Section 2). A framework was developed to compare NSW with other Australian states and also selected international examples (Section 3).

## Consultation process

Up to 20 key government agencies are required to report on EAPS to the Commission (Appendix A) and around 200 non-key agencies report on EAPS in their annual report. Not all could be interviewed. In consultation with Commission staff, a representative sample of key agencies for in-depth interviews was designed, based on selection criteria to include agencies that:

- people from culturally and linguistically diverse backgrounds are likely to use directly or indirectly, because of the essential nature of services
- have a large multicultural budget
- have demonstrated a level of EAPS sophistication over many years, or
- are business focused and find the Standards Framework a challenge.

Agencies selected under these criteria included:

- Department of Commerce
- Department of Education and Training
- NSW Health, including Hunter, Central Sydney, Northern Sydney, Western Sydney Area Health Services
- Department of Housing.

Interviews that were conducted between February and May 2008 provided rich and detailed information about EAPS in action (Section 4). Staff responsible for EAPS were contacted and all consented to interviews. A total of 10 people were interviewed from the four key and four area level agencies during March-May 2008. Interviews were taped, transcribed and analysed for major themes.

These themes were presented and discussed at a meeting attended by 26 participants from 15 agencies in June 2008. A range of views were expressed in the June meeting which, in general, accorded well with the themes from the interviews.

Following the June meeting, views from other major key agencies were sought. An additional eight key agencies and participants from non-key agencies shared their experiences at a July forum on EAPS in operation. Agencies presenting included:

- Department of the Arts, Sport and Recreation NSW
- Department of Community Services NSW
- NSW Department of Corrective Services
- Department of Juvenile Justice
- Department of State and Regional Development
- Legal Aid Commission of NSW
- NSW Police Force
- WorkCover NSW (written submission).

NSW Health and the Commission also presented responses to ideas and themes raised.

To encourage wider participation in the review, views were sought from all key and non-key agencies by written submissions following the July forum. This resulted in comments from a further four agencies.<sup>5</sup>

## Overview and themes

The widening of consultation did not provide any major additional themes, but confirmed the original themes derived from in-depth interviews. It did however, confirm general support for a restructured EAPS Standards Framework and novel suggestions that related primarily to amendments to the Standards Framework.

At first analysis, it was found that agencies ranged in their knowledge and understanding of the EAPS Program and the Standards Framework. There was a continuum of strategies that reflected staff's differing skills and experience in working with cultural diversity. This human resource aspect is crucial to the future success of EAPS.

An additional theme was stressors relating to public sector reform which were perceived to impact on staff morale. These included frequent restructuring, diminishing agency resources and increasing accountability. The issue of forward planning was also raised, with most agencies reporting a lack of skills and time for this process.

All references to EAPS in the White Paper, *Cultural Harmony: The Next Decade 2002-2012* (2006), report were analysed. Table 1 provides a summary of EAPS issues relevant to the Commission. The White Paper issues were similar to many expressed in this review and provided a sound base for the review. Recommendations from the White Paper report were synthesised into Section 5 of this report to ensure consistency and follow through.

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<sup>5</sup> Department of Premier and Cabinet (Public Sector Workforce Office), Department of Local Government, NSW Fire Service and NSW Ombudsman

**Table 1: White Paper, *Cultural Harmony: The Next Decade 2002-2012 (2006)* – Issues and actions relating to EAPS (White Paper, 2006: 40-41; 61-62; 66-68)**

Issues raised	Suggestions	Actions recommended in White Paper
EAPS as driver of access and equity strategies – differing interpretations	New wording to clarify meaning of EAPS as a management tool.	New wording introduced: “EAPS is a measure of agency performance where the needs of culturally diverse clients are fully integrated into core business, which in turn results in quality service delivery within the framework of the principles of multiculturalism and social justice obligations”.
Consultation and client feedback for planning	Improved consultation and feedback mechanisms.	Establish structured consultation/feedback mechanisms; provide a two way flow of information; agencies give formal responses to issues raised.
	Early consultation to inform EAPS planning.	The Commission to establish an EAPS practitioners network.
	Culturally appropriate consultation by agencies with communities.	Include an expanded section on consultation – models of best practice in the resource handbook.
Standards Framework needs review	Focus more on outcomes.	Agencies develop specific objectives and actions in their business plans and EAPS, with measurable outcomes, in order to address the principles of multiculturalism.
	Reduce administration process and reporting mechanisms.	Establish an on-line reporting facility.
	Increase awareness of EAPS	Make EAPS forward plans available to public, including on websites.
	Link with accreditation.	It should be made clear the Standards Framework is NOT an accreditation mechanism but a tool to develop EAPS strategies and set benchmarks in long-term planning and to assist agencies to self-assess in a consistent format.
	Key and non-key agency EAPS implementation.	Maintain 20 agencies as keys as this is right for the level of CRC resources. Consider using a simplified version of the Standards Framework for non keys.
Increase support for EAPS	Need for CEO support.	Release an updated Premier’s Memorandum on EAPS. Revise and release a new <i>EAPS Resource Handbook for CEOs and Senior Managers</i> .
	Need for senior manager training by the CRC.	Cross-cultural training and corporate goal setting be developed for senior managers.
	EAPS understood at head office level, but ignorance at service provider levels.	Agencies to increase cultural diversity training at all levels. Develop and release a companion resource handbook for EAPS practitioners. CRC develops a training module for frontline service providers.
Concern about temporary protection visa holders and refugees	Monitor impact of commonwealth policies.	Highlight issues and concerns at Ministerial Council on Immigration and Multicultural Affairs.
Multiple disadvantage	Needs of multiply disadvantaged disability, youth, ageing should be addressed.	Develop well-researched programs within EAPS plans across public sector, not just by the agency responsible for a particular group.

## A NSW first – an ethnic affairs agency and EAPS

New South Wales was the first Australian state to establish a government body for ethnic affairs, which has continued under both Labor and Liberal-National (Coalition) leadership. The Ethnic Affairs Council was formed in 1975, followed by the Ethnic Affairs Commission in 1977 which produced the landmark *Participation* report that recommended a permanent Ethnic Affairs Commission, established in 1978 (Section 2).

A review of the achievements and trends in ethnic affairs in 1982 recommended action to counter departmental resistance and backlash and address equity and access issues. The result was the Ethnic Affairs Policy Statement (EAPS), announced in September 1983. The then Premier Wran wrote to all government Ministers in December 1983 that public sector service agencies were now required to “develop structured plans for reform, with the aim of making their operations more responsive to the needs of a culturally diverse society”. (NSW EAC, 1990:6)

EAPS has evolved over time and was redefined in the 2006 White Paper, *Cultural Harmony: The Next Decade 2002-2012*, as:

“a measure of agency performance where the needs of culturally diverse clients are fully integrated into core business, which in turn results in quality service delivery within the framework of the principles of multiculturalism and social justice obligations”. (p.66)

## Context of migration – growing and still relevant

Australia is a nation of immigrants with growing numbers of people from culturally and linguistically diverse backgrounds. Migrant intake has been increasing, and is currently at the highest levels in decades with the level for 2008-09 set at 171,800 under the migration scheme and a further 13,500 under the Humanitarian Program.<sup>6</sup> In 2006-07, approximately 30 per cent of new arrivals settled in New South Wales, some 64,000 people (Department of Immigration and Citizenship 2008). The background of immigrants has changed over time, with global competition for skilled workers and professionals leading to an increase in the commonwealth Skilled Migration Program. This program now accounts for half of all arrivals, adding to the productive diversity of Australia and New South Wales. Increasing numbers of refugees and humanitarian entrants from conflict-affected countries and/or those who have suffered persecution are also settling in NSW.

In the 21<sup>st</sup> century, it is salient to note that more people from around the world are arriving annually in Australia and NSW than during the period when the Ethnic Affairs Commission was formed in the 1970s, and in the 1980s when EAPS was introduced. But EAPS is not only about new arrivals and settlement. Post-war migrants are ageing and some groups are still experiencing significant barriers and problems. The second generation in some communities is grappling with issues of identity and participation, while young people of all backgrounds are creating their own dynamic brand of Australian multiculturalism. The *principles of multiculturalism* and ensuring access and equity and participation are as relevant today as they were when EAPS was introduced in 1983.

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<sup>6</sup> Australian Government, <http://www.immi.gov.au/media/fact-sheets/20planning.htm>, May 2009

## Attacks on multiculturalism

Since its inception as a government policy, multiculturalism has been contested. There are three distinct phases in the approach to public policy on migration, usually classified as assimilation, integration and multiculturalism. The main contemporaneous challenge to multiculturalism is that it is considered divisive and a threat to the political cohesion of the state and society. The commonwealth Howard Coalition government rejected multiculturalism and eliminated use of the word from the Ministry of Immigration and Citizenship in 2007. Instead a shared national identity based on a core set of national values was articulated, although the policy fundamentals of multiculturalism were not abandoned. The multiculturalism debate in Australia is a paradox. While multiculturalism as a concept is highly contested, as a public policy it has been remarkably resilient and enduring.

Despite debates and changing community and political views on the term multiculturalism, the need for government-funded agencies to provide culturally and linguistically appropriate programs and services will not diminish. Indeed, these are predicted to increase over the next decade.<sup>7</sup> In addition, as the first wave of post-war migrants age, they, like all elderly people, increasingly require health and other care services, including accommodation options, home support and hospital care. In some ethnic communities, second generations also face challenges relating to identity and opportunities. The key themes of access and equity, social cohesion, cultural identity and valuing diversity remain the core issues to address in a multicultural society in Australia and globally.

## Welfarism, public sector reform and new management philosophies

Underpinning the formation of the Ethnic Affairs Commission was a genuine concern for the welfare of people from non-English speaking backgrounds. This concern also provided a strong rationale and theme for the EAPS Program. As Premier Wran described it in 1983,

“These [new services and creating powerful instruments to redress inequities] were the foundation stones in a process of basic reform to improve access to services and to rescue men and women of non-English speaking backgrounds from the margins of society”.<sup>8</sup>

However, since the 1980s, shifts in the macro-political climate and new public management philosophies globally have increased the focus on rationalising the public sector. The principles of marketisation and privatisation have challenged the social equity and communal rights basis of classic multiculturalism. The policy change of the Fahey Liberal government in 1993 articulated the prevalent view of the time:

“The ethnic affairs policies of the late ‘70s and early ‘80s had a very strong equity and welfare focus. While the government has no wish to relax its commitment to the basic principles of fairness, access, participation and equity as planks in its ethnic affairs policy, it has identified a need for certain other principles to be articulated more strongly. In particular, the value of cultural diversity as an economic and social resource – a sharp move away from the old ‘deficit model’ of ethnic affairs policy making”. (NSW 1995:5)

<sup>7</sup> <http://www.immi.gov.au/about/speeches-pres/pdf/2008-07-30-govt-policy-evolution-sec.pdf>

<sup>8</sup> Premier’s address at the office of the Ethnic Affairs Commission of NSW, September 5 1983, *Mainstreaming Ethnic Affairs*, p.2

New public management also led to major changes in the commonwealth and state public sectors. A review of a century of Australian experience of public sector reforms documented the major changes of the late 20<sup>th</sup> century, which are still ongoing:

“This model of central management is essentially still evolving. It has, in a decade and a half, undergone several changes already (though none of a major character). Accepted non-institutional mechanisms for handling government-wide matters without materially diminishing agency autonomy have not been established. Likewise, the question of independent public appraisal of efficiency and effectiveness, either of organisations or of government-wide policies and practices, may need shortly to be addressed”.<sup>9</sup>

The ensuing public sector reforms globally and in Australia have led to major restructuring of government services and departments and a subsequent decrease in the number of public service employees. This, combined with the ageing workforce, has led to concerns within the Australian Public Service about who will form the next generation of public service employees.

Other recent trends include a shift to more business-oriented management, including a focus on managing for results. In the 21<sup>st</sup> century, the concern for results and accountability translate into a concern for what has really been achieved for clients. In the case of EAPS, the concern is for clients from culturally and linguistically diverse backgrounds. It is striking that in NSW, successive Premiers and Ministers have re-affirmed their commitment to EAPS.

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<sup>9</sup> Nethercote JR (2003) Australian Public Administration in Perspective in *The Australian Experience of Public Sector Reform*, Australian Public Service Commission, Commonwealth of Australia

## SECTION 2: EAPS HISTORY

### What is the EAPS Program?

From the 1970s multiculturalism emerged in many countries, including Australia, as a policy to manage the increasing cultural diversity of society. The term was first advocated for Australia in 1973 by the then commonwealth Minister for Immigration, Al Grassby, in the Whitlam Labor government. It was premised on the assumption that diverse cultural groups should be permitted to express and celebrate their cultural identity, including language. This thinking replaced assimilation policies that envisioned the absorption of migrants and minority cultures and languages into the dominant culture. Public sector agencies had and would continue to play a major role in this multicultural agenda.

In the 1970s, the practice of multiculturalism in the New South Wales Government also grew from multicultural policy and program development in individual agencies. These developments responded to the need to modify program design and delivery for the changing population and the articulation of needs and rights by migrant groups.

The formal inception of EAPS in December 1983 was the first implementation of a state-wide multicultural policy that focused on the daily management of government programs and services.

Multicultural governance evolved further in New South Wales in the '90s and thereafter, with legislative structures and mandated obligations for government and agencies to implement access and equity programs and processes.

This basic policy approach and subsequent legislative measures have had bipartisan support in New South Wales since the beginning of EAPS in December 1983.

New South Wales was also the first state in Australia to set up a government agency, the Ethnic Affairs Bureau, to focus on ethnic affairs. This body gave way to the Ethnic Affairs Commission, under which the EAPS Program was developed. (Appendix B)

For this review, a number of relevant reports on the Commission and its work were examined, including:

- NSW Government Green Paper, *Building on Our Cultural Diversity* (1996)
- NSW Government White Paper, *Building on Our Cultural Diversity and Ethnic Affairs Action Plan 2000*, (1996)
- NSW Government consultation document *The Way Forward: A Consultation Document Leading to a Community Relations Commission* (1999)
- *Inquiry into Multiculturalism, Interim Report of the NSW Legislative Council General Purpose Standing Committee No. 1*, (2000)
- *Inquiry into Multiculturalism, Final Report of the NSW Legislative Council General Purpose Standing Committee No. 1*, (2001)

- NSW Government Green Paper, *Cultural Harmony: The Next Decade 2002-2012 and Evaluation of the Ethnic Affairs Action Plan 2000*, (2002)
- NSW Government White Paper, *Cultural Harmony: The Next Decade 2002-2012 and Community Relations Plan of Action 2012*, (2004)
- *Review of the Community Relations Commission and Principles of Multiculturalism Act 2000* ('Moss report' 2006)
- *Red Tape Review*, 2007.

## The history of multicultural governance and EAPS in New South Wales

Initially, EAPS was an acronym for Ethnic Affairs Policy Statement, which were plans to be adopted by government agencies for management and delivery of services to a multicultural society. In 1993, after the introduction of the *Charter of Principles for a Culturally Diverse Society*, agencies were required to submit Statements of Intent and Charter Implementation Plans. In 1996, the meaning of the EAPS acronym was changed to Ethnic Affairs Priorities Statement. Throughout its various historical manifestations, EAPS has functioned as a performance accountability system that integrates with multicultural governance and policy structures.

The evolution of multicultural governance in NSW has, in our view, four distinct phases which are characterised primarily by the periods of formation, establishment, development and consolidation of EAPS.

### **Phase 1: 1965-1982 multicultural governance and the formation of ethnic affairs**

Multicultural governance emerged from various government policy responses to large scale post-war immigration. In New South Wales the first step towards multicultural governance was the establishment of the State Immigration Advisory Committee in 1965. The committee was primarily charged with attracting more immigrants to New South Wales and, to some extent, addressing the problems affecting domiciled immigrants. The commonwealth Whitlam Labor government announced significant changes to immigration policy in 1973 which flowed into state policies. In NSW in 1976, after the election of the Wran Labor government, a review of government services recommended the inclusion of ethnic affairs into a newly established Department of Youth, Ethnic and Community Affairs. The first governance structure in New South Wales was established with the formation of an Ethnic Affairs Bureau within the department's Community Liaison Bureau.

The shape of contemporary multicultural governance was formed in this first period of multicultural policy development. A broad stakeholder consultative approach was adopted, encompassing government departments and community groups. The bureau was charged with responding to complaints and developing policies to "facilitate access to services". In addition, the Consultative Council on Ethnic Affairs was established as a Ministerial advisory body. It had 15 appointees from relevant government departments. The Cabinet also appointed an Advisory Committee on Ethnic Affairs from 10 designated regional areas. Each committee had five members who were to advise on problems affecting ethnic groups in their regions. The committees were serviced by

departmental officers in the designated regions. The consultative structure included representation from the community-based Ethnic Communities' Council, which was formed in 1975 from the Inner Western Suburbs Regional Ethnic Communities Group that was established the previous year.

In 1976 the Ethnic Affairs Bureau was transferred to the Premier's Department and, in 1977, the NSW Government initiated the beginnings of an accountability and over-sighting system of multicultural policy with the establishment of a temporary Ethnic Affairs Commission to investigate and report on ethnic affairs.

Premier Wran described the Ethnic Affairs Commission as being the "prime mover" in ethnic affairs for the whole of the NSW public sector "to ensure the development of coherent plans – agreed and understood by government and community alike – of the State less hindered by barriers of language, entrenched interests and prejudices".<sup>10</sup>

In June 1978, the Commission presented its ground-breaking report "*Participation*"<sup>10</sup> which based its recommendations on human rights:

"it is a basic human right 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 . . ." <sup>11</sup>

*Participation* made over 280 recommendations in a wide spectrum of areas, including child and adult education, teacher training, employment, health and safety at work, accommodation, discrimination, legal services, law reform, rural areas, library services, ethnic media and the arts, as well as immigrant women and children. The report's recommendations, which were informed by early multicultural innovation in service provision, embraced ethno-specific service delivery strategies and models and were subsequently adopted in the main.

In 1979, the Government enacted the *Ethnic Affairs Commission Act 1979*, which established the Commission as a permanent statutory body. Importantly, under section 16 of the Act, the Commission was given, among other tasks, the requirement to report to the responsible Minister on aspects of ethnic affairs.

## **Phase 2: 1983-1988 multicultural governance and the establishment of the EAPS Program**

Following advice by the Ethnic Affairs Commission, in September 1983 Premier Wran announced that all areas of government administration would 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".<sup>12</sup>

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<sup>10</sup> Premier's address at the office of the Ethnic Affairs Commission of NSW, Sept 5 1983 *Mainstreaming Ethnic Affairs*, p.2

<sup>11</sup> The Ethnic Affairs Commission of New South Wales, *Participation*: Report to the Premier, June 1978

Premier Wran used the concept of mainstreaming to ensure that government departments did not marginalise ethnic affairs or degenerate into “bland clichés and platitudes”:

“The basic philosophy will be that initiatives to improve access to government services for residents of non-English speaking background will have to be provided, not only through specialised ‘ethnic units’, but by departments as part of their mainstream duties.”<sup>13</sup>

In December 1983, Premier Wran sent a memo to all Ministers providing guidelines on preparing an Ethnic Affairs Policy Statement. The basic structure of the EAPS as a reporting and accountability system was established, with all government agencies required to prepare a detailed plan that included a review of all policies, programs and units, and development of short and longer term goals and strategies to address the situation.

The Ethnic Affairs Commission was empowered to require government departments and agencies to report annually on the implementation of the multicultural access and equity policies and programs. Thus the Commission was granted the function of audit and oversight, with a whole-of-government approach. The role of the Commission was also to be “generally available to advise and assist government bodies in the preparation and implementation of their Ethnic Affairs Policy Statements”.<sup>14</sup> This approach established a generic and comprehensive accountability framework and was perceived by the Government as the “key to the future of multiculturalism as a real guiding light for government”.<sup>15</sup>

The first EAPS Guidelines prepared by the Ethnic Affairs Commission in 1983 set out the main activity areas that defined the program for over two decades. By 1986, most agencies had submitted an EAPS plan, with Premier Wran providing further information on preparing annual reports on EAPS. In his 1986 memo he stressed the need for “forward planning” and to report against objectives and strategies with specific “actions taken”, “comments” and “outcomes”. He also highlighted the importance of public accountability, urging agencies to “make their EAPS available for general public distribution” and for EAPS annual reports to “be publicly available following official approval of the document by the Commission”.<sup>16</sup>

Reporting back to Ministers on the EAPS annual reports in 1987, the Premier’s next memo clearly instructed agencies to “incorporate EAPS goals within corporate goals and program management objectives so that Ethnic Affairs Management Plans (EAPS) become an integral part of the overall corporate planning and management”. This process was to be integrated into public sector five-year plans, which was seen to strengthen EAPS implementation by linking it with “broader processes of management performance review”.<sup>17</sup>

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<sup>13</sup> Premier’s address at the office of the Ethnic Affairs Commission of NSW, Sept 5 1983 *Mainstreaming Ethnic Affairs*, p.5

<sup>14</sup> Premier of NSW Memo *Ethnic Affairs Policy Statements, Guidelines*, December 23 1983, p.3

<sup>15</sup> Achievements: 1976-1985, note 8, p.2

<sup>16</sup> Premier of NSW Memo *Annual Reports on Ethnic Affairs Policy Statements*, December 1986, p.3

<sup>17</sup> Premier of NSW Memo *Ethnic Affairs Policy Statements, Management Performance Review and EAPS*, September 1987, p.2

### ***Phase 3: 1988-1995 multicultural governance and the development of the principles of cultural diversity***

By 1988, a new Liberal-National coalition government under Premier Greiner continued support for the Ethnic Affairs Commission and EAPS. It was apparent to senior management that the EAPS Program had become embedded into government agencies' reporting and was here to stay, regardless of political changes. In 1988, policy implementation of multiculturalism was reported favourably:

“The NSW Government was the first state government to adopt multiculturalism as participation and equality of opportunity. Our initiatives are without precedent. In twelve years we have diversified the full spectrum of government services to ensure equity to ethnic communities”.<sup>18</sup>

However, there was concern expressed by Premier Greiner that EAPS needed to be more effectively integrated with “other measures to improve overall organisational management”.<sup>19</sup> The 1988 Premier's memo also raised the possibility of varying the timing of annual reporting and providing the Ethnic Affairs Commission with “delegated authority to negotiate such alternatives directly with departments”.<sup>20</sup>

During this period, the Ethnic Affairs Commission produced the *Ethnic Affairs Policy Statement Strategic Plan*, which for the first time defined program-wide indicators, and EAPS outcomes were included in Senior Executive Service contracts. The Ethnic Affairs Commission also held annual seminars and meetings for agency officers and produced an EAPS newsletter. Staffing levels in the Ethnic Affairs Commission increased.

In 1993, under the Fahey government, the ethnic affairs portfolio was transferred from the Premier's Department to a new stand-alone Ministry. This period marked an emphasis on cultural diversity in public policy, focusing more on productive diversity. At the same time, discussion was taking place nationally under the Hawke-Keating Labor government as well as in NSW, where the shift was clearly articulated:

“The ethnic affairs policies of the late '70s and early '80s had a very strong equity and welfare focus. While the government has no wish to relax its commitment to the basic principles of fairness, access, participation and equity as planks in its ethnic affairs policy, it has identified a need for certain other principles to be articulated more strongly. In particular, the value of cultural diversity as an economic and social resource – a sharp move away from the old ‘deficit model’ of ethnic affairs policy making.”<sup>21</sup>

In February 1993, the *NSW Charter of Principles for a Culturally Diverse Society* was introduced as the primary instrument for multicultural governance in NSW. For public sector agencies, Statements of Intent and Charter Implementation Plans replaced EAPS reporting obligations.

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<sup>18</sup> NSW Government, *The 1988 Ethnic Affairs Policy*, 1988, p.2

<sup>19</sup> Premier of NSW Memo *Ethnic Affairs Policy Statements, Interim Ministerial Review July 1988*

<sup>20</sup> Ibid

<sup>21</sup> NSW Government, *New South Wales Government Achievements and Strategies in Ethnic Affairs: Volume 1, Achievements 1988-1994*, January 1995, p.5

The Charter articulated four principles of cultural diversity which had been implicit in EAPS, and also emphasised individual and state responsibilities:

1. All individuals in NSW 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 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 NSW Government institutions.
4. All NSW public institutions should recognise the linguistic and cultural assets in the NSW population as a valuable resource and utilise and promote this resource to maximise the development of the state.<sup>22</sup>

The associated *Handbook for Chief Executives and Senior Managers*<sup>23</sup> states clearly that the Charter was a public commitment by the government, and public sector managers were to demonstrate that commitment through their planning and activities. However, the handbook was equally clear that there is no single prescriptive form for this commitment. The encouragement to report came not from any legislative mandate, but from the positioning of the Minister for Multicultural and Ethnic Affairs and the Ethnic Affairs Commission of NSW as reference points, with the qualifier that “it is in the agency’s interests”<sup>24</sup> to provide relevant information on implementation of the Charter and principles of cultural diversity.

In 1994, the Commission published the *Statements of Intent* of 88 New South Wales government agencies, a significant step that made agency multicultural commitments more visible.<sup>25</sup>

This period also saw the introduction of designated key agencies, to which the Ethnic Affairs Commission was required to give priority assistance in the preparation of their Charter Implementation Plans, and agencies were set mandatory timeframes to lodge their plans.<sup>26</sup>

Overall, during this phase the program received greater exposure than previously and was more readily accessed by public sector agencies.

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<sup>22</sup> NSW Government and Ethnic Affairs Commission, *Charter of Principles for a Culturally Diverse Society: Handbook for Chief Executives and Senior Managers*, 1995

<sup>23</sup> Ethnic Affairs Commission, *Charter of Principles for a Culturally Diverse Society: Handbook for Chief Executives and Senior Managers*, 1986, p.9

<sup>24</sup> Ethnic Affairs Commission, *Charter of Principles for a Culturally Diverse Society: Handbook for Chief Executives and Senior Managers*, 1986, p.11

<sup>25</sup> *Statements of Intent 1994*, Charter of Principles for a Culturally Diverse Society, Ethnic Affairs Commission NSW

<sup>26</sup> Ethnic Affairs Commission, *Charter of Principles for a Culturally Diverse Society: Handbook for Chief Executives and Senior Managers*, 1986, p.14

## **Phase 4: 1995 – multicultural governance consolidation through legislative reform, the Ethnic Affairs Action Plan 2000 and EAPS**

In September 1995, in accordance with its pre-election commitment, the new Carr Labor Government initiated a review of the *Ethnic Affairs Commission Act 1979* and development of an *Ethnic Affairs Action Plan 2000*. In May 1996, the government released its Green Paper<sup>27</sup> and in October the White Paper, *Building on Our Cultural Diversity: Ethnic Affairs Action Plan 2000*, which proposed crucial legislative changes. The legislation was to be enacted within the context of new economic priorities:

“Whilst significant progress has been made over the last two decades, the NSW Government has recognised that new priorities and outcomes are necessary if members of ethnic communities are to participate fully in the life of the State and the potential economic value of cultural diversity is to be realised”.<sup>28</sup>

The *Ethnic Affairs Action Plan 2000* identified four key roles for the NSW Government in ethnic affairs. These were to:

1. Provide leadership in encouraging and valuing a culturally diverse society and in promoting social cohesion.
2. Ensure that State Government policy, legal and planning frameworks support our culturally diverse society.
3. Ensure access to quality goods and services, and an equitable distribution of those goods and services.
4. Encourage community development so that, over time, ethnic communities can meet their own needs and priorities.<sup>29</sup>

The *Ethnic Affairs Action Plan 2000* marks a shift by identifying three issues particularly crucial to multicultural policy outcomes and results.

1. **Social justice:** Ensuring that resources are fairly distributed, ethnic communities are consulted about decisions relating to Government programs and development and service delivery, the rights and responsibilities of all people are recognised and services are effectively targeted to meet the needs of members of ethnic communities.
2. **Community harmony:** Fostering a climate of mutual respect by highlighting the benefits of cultural diversity to the community, supporting anti-discrimination measures and promoting and maintaining community harmony. Major issues included those of cultural identity and shared values. The challenge was to develop a common understanding that cultural diversity is one of the defining characteristics of a united, modern Australia.

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<sup>27</sup> NSW Government, *Building on our Cultural Diversity – Draft Report – Review of the Ethnic Affairs Commission Act 1979 and the development of an Ethnic Affairs Action Plan 2000*, Green Paper, May 1996

<sup>28</sup> NSW Government, *White Paper Building on Our Cultural Diversity, 1996*, note 85, p.4

<sup>29</sup> *1996 White Paper*, note 85, p.vi

- 3. Economic and cultural opportunities:** For the promotion of the benefits of multiculturalism in the economic and cultural life of the state. This entailed recognising cultural diversity as a positive force in the development of the state’s economic opportunities and in enriching community through social and cultural activities.<sup>30</sup>

Mandatory reporting and monitoring processes were integral to the plan to ensure “timely and efficient implementation”.<sup>31</sup>

The future structure of multicultural governance was recommended in the *Action Plan 2000* and EAPS was reintroduced as the reporting and assessment system. In future, all NSW Government departments and statutory bodies would be required to produce Statements “... similar to the previous Implementation Plans under the Charter of Principles for a Culturally Diverse Society” and these Statements were to “... document the agency’s strategies to achieve outcomes in the three Key Result Areas, together with performance indicators and plans for future action.”<sup>32</sup> Key agencies would supply an EAPS to the Ethnic Affairs Commission, consisting of a forward plan and a retrospective report against it.

While a name change for the program was considered, the acronym was retained, and EAPS would henceforth stand for Ethnic Affairs Priorities Statement Program.

In November 1996, the government enacted legislative reform to create mandatory legislative obligations for reporting, assessment and the accountability framework of a new multicultural governance.<sup>33</sup>

The reform also:

- gave legislative recognition to the four principles of cultural diversity in the 1993 Charter
- created a new statutory requirement for all public authorities to observe these principles
- inserted a new objective for the Ethnic Affairs Commission “to promote the social, cultural, and economic benefits of a culturally diverse society”.

Under the amended Act, Ethnic Affairs Agreements were introduced between one or more government agencies and the Commission to address issues amenable to joint activity and co-operation. Selected agencies would be approached to enter into an Ethnic Affairs Agreement with the Commission to address specific issues and report on them in their annual report.

In terms of public accountability, most significantly the amendment of the *Annual Reports (Departments) Regulation 1997* required each agency to publish in its annual report a report on EAPS progress and future strategies.

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<sup>30</sup> *1996 White Paper*, note 85, p.vii

<sup>31</sup> *1996 White Paper*, note 85, p.52

<sup>32</sup> *1996 White Paper*, *NSW Ethnic Affairs Action Plan 2000*, p.52

<sup>33</sup> *Ethnic Affairs Commission Amendment Act 1996* (NSW)

The Ethnic Affairs Commission would also be required to prepare, and submit to the Minister, an annual *Ethnic Affairs Report*. The report would include an overview of progress made in implementing the *Action Plan 2000* and would report on achievements and outcomes made through agencies' EAPS and Ethnic Affairs Agreements. The Minister would be required to table the report in Parliament.<sup>34</sup>

In April 1999, Premier Carr announced that the title of the Ethnic Affairs portfolio would change to the Citizenship portfolio.<sup>35</sup> The government stated that the title of Minister for Citizenship went beyond the legal definition of naturalisation, to underline the meaning of citizenship as membership of a “harmonious” linguistically, ethnically, religiously and racially diverse and inclusive society which “celebrates” cultural diversity while emphasising shared civic values and adherence to the principles of democracy and the rule of law.<sup>36</sup>

At the same time, Premier Carr announced that the Ethnic Affairs Commission would be restructured as a new Community Relations Commission.<sup>37</sup> In June 1999, the government<sup>38</sup> outlined this change and in September 1999 introduced into parliament, the Community Relations Commission and Principles of Multiculturalism Bill 1999. Symbolism was extremely important in the debate that followed. A General Purpose Standing Committee Report of the New South Wales Parliament on the Bill, published in May 2000, noted that the name change was the “most contentious issue arising from the Bill”<sup>39</sup> and that “the great majority of the evidence... supported a view that the name ‘Community Relations Commission’ would be enhanced by a reference to multiculturalism”.<sup>40</sup> The report recommended amending the Bill to incorporate the terms “For a multicultural NSW” as the title of the Commission.<sup>41</sup>

Premier Carr set out in a submission, the strengthening of EAPS that subsequently occurred with the new legislation:

“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).

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<sup>34</sup> *Ethnic Affairs Commission Amendment Act 1996* (NSW)

<sup>35</sup> General Purpose Standing Committee No 1 report, note 76, pxvii.a Community Relations Commission, June 1999, p.3

<sup>36</sup> Ethnic Affairs Commission of NSW, *The Way Forward: A Consultation Document leading to a Community Relations Commission*, June 1999, p.3

<sup>37</sup> *1999 Consultation Document*, p.2

<sup>38</sup> *1999 Consultation Document*, note 105

<sup>39</sup> General Purpose Standing Committee No 1 Report, p.31

<sup>40</sup> General Purpose Standing Committee No 1 Report, note 76, p.31

<sup>41</sup> General Purpose Standing Committee No 1 Report, note 76, p.56

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”.<sup>42</sup>

Premier Carr’s submission is an important statement of both the importance of EAPS in multicultural governance and a milestone in the establishment and consolidation of EAPS as an accountability and reporting system. The ensuing *Community Relations Commission and Multiculturalism Act 2000* restated and re-framed the four principles of cultural diversity, as principles of multiculturalism.<sup>43</sup> Equally significantly, the foundational principles of citizenship were framed within the context of multiculturalism and were to be construed in relation:

“to the rights and responsibilities of all people in a multicultural society where there is: (a) a recognition of the importance of shared values within a democratic framework governed by the rule of law; and (b) a unifying commitment to Australia, its interests and future”.<sup>44</sup>

Additionally under the Act, compliance by government departments and agencies with the principles of multiculturalism in the exercise of their powers and duties is mandated and obligatory.<sup>45</sup> The new Act has three important aspects that marked the emergence of a new multicultural governance:

1. The Act lists objectives and functions for the new Commission that differ in some respects from the previous Act. A significant new objective is “the promotion of the principles of multiculturalism and the advantages of a multicultural society”.<sup>46</sup> The new Commission has the functions “to assist and assess the effectiveness of public authorities in observing the principles of multiculturalism”<sup>47</sup> and to “facilitate cooperative arrangements involving governmental, business, educational and community groups or bodies to promote its objectives”<sup>48</sup>. The legislation represented a considerable strengthening of the mandated multicultural governance requirements of government agencies and departments, in comparison to requirements in the *Ethnic Affairs Commission Act 1979*.
2. Similar to the previous requirement for the Ethnic Affairs Commission to prepare an ethnic affairs report, the new Commission is required to report annually to the Minister on “the state of community relations in NSW as affected by cultural diversity, including an assessment of the effectiveness of public authorities in observing the principles of multiculturalism”.<sup>49</sup> Parliamentary oversight of the policy implementation is maintained by the requirement for the Minister to annually table the report in Parliament.

<sup>42</sup> Submission No 42, the Hon Bob Carr MP, Premier and Minister for Citizenship, pp.8-9 to the Inquiry Into Multiculturalism – Interim Report, General Purpose Standing Committee No.1, 31 May 2000

<sup>43</sup> Section 3 *Community Relations Commission and Principles of Multiculturalism Act 2000* s.3 1(a)-(d)

<sup>44</sup> Ibid s.3 1(2)

<sup>45</sup> Ibid s.3 1(4)

<sup>46</sup> Ibid s.12 3 12(e)

<sup>47</sup> Ibid s.13 3(g)

<sup>48</sup> Ibid s.12 3 13(e)

<sup>49</sup> Ibid s.14 3(1)

3. The Act requires the Commission to establish advisory councils for regional areas of the state, providing a stronger focus outside metropolitan areas.<sup>50</sup>

There was a significant shift from institutionalising community diversity to promoting constitutional and social unity in the new Act. Recognition of diversity was narrowed to culture. Multiculturalism is defined as encompassing a number of separate and quite distinct components which could overlap:

- a) programs and service delivery
- b) maintenance of community harmony
- c) promotion of economic benefits of cultural diversity.

EAPS was maintained and developed specifically to address issues arising from religious, ethnic and linguistic diversity in government and government funded programs.

In May 2002, the NSW Government released the Commission's evaluation of the *Action Plan 2000* with a Green Paper, *Cultural Harmony: The Next Decade 2002-2012*, which invited public comment. In May 2006, the government published a White Paper with the same title, which summarised the issues raised in the public consultations, referred to government initiatives, and outlined the *Community Relations Plan of Action 2012*.<sup>51</sup>

The White Paper, *Cultural Harmony: The Next Decade 2002-2012*, (p.66) defined the policy context of EAPS:

“EAPS is a measure of agency performance where the needs of culturally diverse clients are fully integrated into core business, which in turn results in quality service delivery within the framework of the principles of multiculturalism and social justice obligations”.

The EAPS accountability process that emerged from the White Paper, *Cultural Harmony: The Next Decade 2002-2012*, has five crucial characteristics.

1. A practical measure of government performance: EAPS is principally focused on performance and service delivery. It applies generic measurement and assessment criteria to the provision of services to the New South Wales community.
2. An integration of multicultural policy and service delivery: EAPS principles are to be integrated into agency governance. The function of EAPS is to ensure that multicultural policy is not marginalised or becomes discretionary.
3. A quality service delivery and policy implementation: EAPS requires transparent, reported and accountable governance standards.
4. Mandatory multicultural values and principles: The legislated principles of multiculturalism ensure a stable and mandated policy context for EAPS.
5. Social justice: EAPS is an essential component of the implementation by government of policy committed to a fair society, based on the equal worth of all of its members.

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<sup>50</sup> *Community Relations Commission and Principles of Multiculturalism Act 2000* s.10

<sup>51</sup> NSW Government, *Cultural Harmony The Next Decade 2002-2012: Report on the responses to the Green Paper and development of the Community Relations Plan of Action 2012, White Paper*, May 2006, p.66

While the policy context of EAPS had undergone significant conceptual change, it is remarkable that in the White Paper, *Cultural Harmony: The Next Decade 2002-2012*, the objective of EAPS to oversight the integration of multicultural policy into government structures and processes was almost identical with the foundational EAPS memo issued by Premier Wran in 1983. However, an additional four key objectives were set:

1. Leadership.
2. Community harmony.
3. Access and equity within a framework of social justice obligations.
4. Economic and cultural opportunities.

The White Paper, *Cultural Harmony: The Next Decade 2002-2012*, stated that these key objectives flowed from the principles of multiculturalism and articulated the government's aims and commitment to the results expected from NSW Government agencies. The key objectives and provisions of the Act were to be addressed by agencies through the development of their corporate plan, which was to be linked with its EAPS and business plans.

This effectively meant the White Paper had brought into alignment the principles of multiculturalism with the state's new four key objectives, which became the overarching objectives of EAPS.

The EAPS Program was to remain the cornerstone for service provision by public sector agencies, and the main mechanism for the Commission to assess and report on the effectiveness of public authorities in observing the principles of multiculturalism. The plan required a review of the implementation of the principles of multiculturalism and the objectives in 2008.

In November 2006, the *Review of the Community Relations Commission and Principles of Multiculturalism Act 2000*, under the requirements of Section 27 of the Act was completed. Recommendation 12 related directly to EAPS and recommended amending Section 14(3) of the Act to furnish the report to the Minister before the end of April on the year following the year to which the report relates.<sup>52</sup> The review commented that the EAPS enabling provisions under Section 14 are "appropriate", and:

"are perhaps stronger than the Victorian legislation with regard to the assessment and monitoring of public authorities in their observance of the principles of multiculturalism".<sup>53</sup>

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<sup>52</sup> New South Wales Government, *Review of the Community Relations Commission and Principles of Multiculturalism Act 2000*, November 2006, p.70

<sup>53</sup> New South Wales Government, *Review of the Community Relations Commission and Principles of Multiculturalism Act 2000*, November 2006, p.63

## Introduction of the Standards Framework 1998

The EAPS Standards Framework is one of the most significant developments to strengthen New South Wales' accountability and multicultural governance framework. It was developed and introduced during 1998 as a management tool to assist mainly key agencies to develop an EAPS and integrate it into their planning cycle. The framework changed EAPS into a comprehensive and objective performance measurement. The framework is comprised of five criteria and five performance level assessment standards (Appendix H).

The five-by-five matrix is used to assess agency performance. The assessment is conducted by the agency with the Commission providing an independent assessment of the level attained. The Standards Framework transformed EAPS from an agency self-reporting, self-performance assessment model to a qualitatively different and more sophisticated reporting and objective performance measurement audit model.

The Commission undertakes two critical roles in the assessment:

1. Moderating agency assessment to ensure accurate and consistent ratings across agencies.
2. Aggregating agency assessment in the form of the annual *Community Relations Report* to Parliament.

A major benefit of the five-by-five matrix and the moderating and aggregation role of the Commission was that performance improvements could be tracked over time. This is critical to improving performance. There are approximately 200 NSW Government agencies obliged to develop an EAPS and report on progress in their annual report. Up to 20 agencies are nominated by the Minister as requiring special consultation with the Commission in the preparation of their EAPS. These agencies, termed key agencies, use the Standards Framework. The applicability of the Standards Framework across such a diversity of agency types is a challenge. By focusing on key agencies, but ensuring that non-key agencies also address cultural and linguistic diversity through EAPS, the Commission works to influence agencies and have a greater impact in focusing on outcomes.

## NSW Government context

### *Global budgeting*

Multicultural governance exists within a broader framework of government public sector concerns. EAPS is currently a performance accountability system derived from and adapted to multicultural policy frameworks and goals. Performance based budgeting (PBB) emerged in the 1980s. While no standard definition of PBB exists,<sup>54</sup> a review of the literature suggests that it is commonly accepted to mean the allocation of funds to achieve programmatic goals and objectives, as well as giving some indication or measurement of work, efficiency and/or effectiveness<sup>55</sup>.

<sup>54</sup> Joyce PG, 1999, "Performance Based Budgeting", (ed) RT Meyers *Handbook of Government Budgeting*, San Francisco, Jossey-Bass Publishers, p.598

<sup>55</sup> Epstein PD, 1984, *Using performance measurement in local government: A guide to improving decisions, performance and accountability*, New York, Van Nostrand Reinhold Company Inc., pp.6 -7; Snell R and Hayes K, 1993, *Performance Budgeting and the States*, Nebraska Legislative Appropriations Committee, Lincoln, Nebraska, p.1; Garsombke HP and Shrad J, 1999, "Performance measurement systems: Results from a city to state survey", *Government Finance Review*, February, p.9

The introduction of global budgeting in recent years gave administration the freedom to manage costs within a total spending limit. However, it hampered the ability of agencies to attribute budget spending to all EAPS activities and arguably contributed to a reduction of financial reporting in EAPS.

## **Red Tape Review**

In February 2006, the NSW Government announced a number of initiatives to reduce excessive regulations that is considered redundant or overly bureaucratic and hinders or prevents action or decision making within government. The *Internal Government Red Tape Review* examined red tape that NSW Government agencies create which affect other agencies. The review reported in two stages. In December 2006, the Budget Committee of Cabinet endorsed the Stage 1 recommendations of the Review, Stage 2 flowed from those recommendations and included an assessment of the impact of EAPS reporting on other government agencies. Generally, the Review was favorable to EAPS and assessed its value highly by finding that:

- on balance, the benefits of EAPS planning and reporting outweigh the costs
- no agency participating in the review questioned or challenged the fundamental policy and principles of multiculturalism, showing the EAPS Program was widely accepted
- while EAPS alone cannot account for the increased support for cultural diversity, there is evidence that EAPS planning and reporting by state agencies has given multiculturalism a greater visibility and acceptance than it might otherwise have had.<sup>56</sup>

The Review reported to Cabinet on EAPS with supportive recommendations, specifically two which are relevant to this review:

**“Recommendation 13.1:** That the Community Relations Commission undertake an education campaign for agencies on the requirements and underlying purpose of the Ethnic Affairs Priorities Statement (EAPS), providing examples of reports required. This could be done when advising agencies of the outcome of the Strategic Framework review.

**Recommendation 13.2:** That agencies with fewer than 200 staff be exempt from annual EAPS reporting requirements, and only be required to report every three years”.<sup>57</sup>

## **The State Plan: A new direction for New South Wales**

*The State Plan* was released in November 2006 and set priorities for government over the next 10 years. The plan includes 34 priorities and 60 associated targets to deliver better services and improve accountability across the public sector. Accountability and performance reporting and assessment are integral to the plan’s strategy and integrity:

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<sup>56</sup> Review of Internal Government Red Tape, Ethnic Affairs Priorities Statement (EAPS), April 2008

<sup>57</sup> Review of Internal Government Red Tape, Ethnic Affairs Priorities Statement (EAPS), April 2008  
[http://www.dpc.nsw.gov.au/publications/memos\\_and\\_circulars/circulars/2007/c2007-26](http://www.dpc.nsw.gov.au/publications/memos_and_circulars/circulars/2007/c2007-26)

“This State Plan is designed for delivery. The priorities have been defined in specific, measurable terms so that they can drive action and so actions can be assessed to see if they have produced the desired outcomes. In addition, this State Plan ushers in a wide range of changes to the way government is conducted in NSW, to ensure an unwavering focus on delivery. Transparent reporting of results will occur so that the community can judge whether or not the government is delivering real results”.<sup>58</sup>

While there is no explicit reference to multicultural policy in the State Plan, Priority R4: “Increased participation and integration in community languages”, captures the commitment to improving outcomes for the people of New South Wales from different linguistic, cultural and religious backgrounds. In defining the targets which must be addressed under this priority, the State Plan acknowledges that the NSW Government is already committed to a number of actions to support communities in building harmony and increasing participation. These include “... implementing the White Paper, *Cultural Harmony: The Next Decade 2002-2012*, and the *Community Relations Commission and Principles of Multiculturalism Act 2000*”. The Chief Executive Officers of NSW Government agencies are responsible for delivering the priorities and targets of the State Plan and, as a further accountability measure, the NSW Government publishes a State Plan Annual Report.

### **Conclusion: EAPS is an innovative and resilient accountability governance system**

EAPS was a landmark in early application of governance principles which seem commonplace today. In 1983, it was a genuinely innovative and ground-breaking approach to the requirement that government be accountable in applying important policy commitments and services to society. Accountability is the core focus of governance and a driving force of contemporary governance strategies. Performance accountability embraces an additional element of assessment and measurement of the effectiveness and achievement of policy goals and objectives. While a variety of strategies and tools have been used for performance accountability in contemporary public administration, EAPS has been remarkably resilient and enduring as a performance accountability governance system.

Multiculturalism has had the enduring characteristic of being a contested concept during its long history as a social policy in New South Wales and Australia. Paradoxically, while the concept of multiculturalism has been contested, the governance structure of those policies has been remarkably enduring and consistent. The EAPS Program has stood the test of time with bipartisan political support as an important performance accountability system for over 25 years of public administration. EAPS was and remains a critical oversight and guarantor of government’s commitment to access, equity and participation with an increasing focus on cultural and economic opportunities for a socially diverse and dynamic community.

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<sup>58</sup> NSW Government, *A new direction for NSW: State Plan*, November 2006, p.137

## SECTION 3: HOW DOES THE EAPS PROGRAM COMPARE?

### Multicultural governance in Australia

While multicultural governance is an enveloping term which captures the institutionalisation of multicultural policy in the legislation, structures and processes of the state, it is important to note that the term has been used quite narrowly. In this section it essentially refers to mechanisms employed in different jurisdictions to ensure that public agencies uphold and implement the multicultural policies of the government. Therefore, this section is concerned with formal structures to make public agencies accountable.

Australia is a diverse and dynamic society with a large variety of languages, cultures and religions. In response to this diversity, in the late 1970s the NSW Government developed the first policy of multiculturalism governing any state. In subsequent years, differing ways of addressing multicultural governance evolved in Australia's eight states and territories.

The purpose of this section is to map the institutionalisation of multicultural policy in New South Wales, other Australian jurisdictions and other countries with comparable systems of government and social composition.<sup>59</sup> There is vast literature relating to multiculturalism and multicultural policy and it is not the purpose of this section to review that (Appendix C). However, for the purposes of contextual relevance, multiculturalism is defined broadly as a public policy which recognises racial and cultural differences in society and encourages their legitimacy and expression as constituent elements of a national social order.<sup>60</sup>

Multicultural governance in Australia is founded on a number of international acts, declarations and covenants that Australia has signed. They establish binding and contextual legal obligations on the commonwealth and state governments. The principal instruments are:

- the Universal Declaration of Human Rights
- the International Covenant on Civil and Political Rights
- the International Convention on the Elimination of all Forms of Racial Discrimination
- the Declaration of the Elimination of all Forms of Racial Discrimination
- the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Against Women
- the International Convention on the Rights of the Child.

When these instruments underpin multicultural governance, they provide strong human rights arguments in support of the principles of multiculturalism. Importantly, these binding international instruments provide a global commonality that is useful in mapping comparisons.

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<sup>59</sup> All state and territory department and agency web sites were sighted, parliamentary reports read and all relevant legislation sighted.

<sup>60</sup> Fleras A and Elliott JL, 1992, *Multiculturalism in Canada: The Challenge of Diversity*, Scarborough: Nelson Canada.

It is relevant, however, to note that governance mechanisms need not be based in legislative terms to be effective, and certain jurisdictions may have governance mechanisms directed at the community or non-public sector by electing to invest more of their multicultural efforts into resourcing the community directly, rather than through public sector service delivery, or by less formal mechanisms than legislation.

For example, while legislative accountability measures are important, the strength of multicultural governance in New South Wales is as much based on a coherent and consistent evolution of policy, defined through a developing set of state-wide services and agency-specific programs.

It is important to note also that this report does not detail other forms of multicultural governance, or their effectiveness or otherwise in other jurisdictions.

## **New South Wales**

In NSW, the *Community Relations Commission and Multiculturalism Act 2000* provides a legislative definition of multiculturalism which is binding on the state under which all individuals:

- have the greatest possible opportunity to contribute to, and participate in, all levels of public life
- 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
- have the greatest possible opportunity to make use of and participate in activities and programs provided by the state
- should recognise the social linguistic and cultural assets as a valuable resource and promote this resource to maximise the development of the state.

In New South Wales, the government and its agencies are mandated to implement multicultural policies and services, in accordance with a prescribed governance model which includes legislative obligations and the development of a transparent reporting framework.

The Ethnic Affairs Priorities Statement (EAPS) Program and its Standards Framework is the primary mechanism for multicultural governance in New South Wales. This report recognises the EAPS Program as a rule-structured performance assessment system which is mandated by statute. Rule-based governance structures rely for their formation and effectiveness on a political culture that respects the values on which they are based.

The aim of the EAPS Program is to provide improved outcomes for culturally and linguistically diverse clients of human services and government in NSW. It operates as a comprehensive standard performance measurement tool, streamed into five activity areas:

- planning and evaluation
- program and service delivery
- staffing
- communication
- funded services.

Each agency's Chief Executive Officer is responsible for ensuring that policies and services address each of the five activity areas relating to cultural diversity and the principles of multiculturalism.

Identified key agencies are also required to self-assess their activities in each of the five areas and assign a level of competency on a scale of 1 to 5. The EAPS Program is a development of previous measurement systems that were principally a simple assessment and self reporting requirement for government agencies providing services to a culturally and linguistically diverse community.

Section 14 of the *Community Relations Commission and Multiculturalism Act 2000* provides that the Commission must prepare a report every calendar year on "the state of community relations in NSW as affected by cultural diversity". This report is to include an "assessment of the effectiveness of public authorities in observing the principles of multiculturalism" (s.14 (1)), which is primarily informed by agency response to the EAPS Program. The report, which may include recommendations of the Commission on any relevant matters, is to be furnished to the Minister before the end of March in the year following the year to which the report relates. The Minister is to provide a copy of the report before each House of Parliament within 14 sitting days of the House after receiving the report (s.14 (2)-(4)).

The Act does not establish a binding obligation on state agencies, nor does it require them to report in a prescriptive form. However, the particularity of multicultural governance in New South Wales is found in the statutory obligation under annual reporting legislation to provide non-discretionary assessment and accountability documentation and data in the form of an Ethnic Affairs Priorities Statement (EAPS).

The statutory basis of EAPS is provided by the *Annual Reports (Departments) Act 1985* and *Annual Reports (Statutory Bodies) Act 1984* which require all public agencies to prepare a "report on operations" every year, with some exemptions. Schedule 1 of the Regulations for each of those Acts lists operations for which a report must be made. Those currently include the agency's charter, its aims and objectives, management and structure, financial dealings and implementation of other state policy commitments such as the Disability Action Plan and Equal Employment Opportunity statements.

Schedule 1 also lists the making of an Ethnic Affairs Priorities Statement which is:

"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]."

In this way, there is a loosely prescriptive manner and form to the reporting requirements of government agencies.

Sections 6 and 5A of the respective Acts provide that when an agency is required under any other act or regulation to report on any operational matter annually, it shall be sufficient if that is incorporated into the agency's annual report. To the extent of any inconsistency with other legislation or regulation, the Annual Reports Acts shall prevail. Thus, the requirement to prepare an EAPS report cannot be derogated.

This legislative framework establishes a mandatory accountability and performance assessment system. The elements of mandatory reporting obligations on all government departments are in a specified manner and form, coordinated by a dedicated agency reporting to parliament. This creates a transparent and strong accountability and performance assessment process. This governance system with EAPS at its core is the most comprehensive reporting system of the jurisdictions surveyed in mapping multicultural governance.

## Victoria

The Victorian Multicultural Commission is an independent statutory authority that was established in 1983 under the name of the Victorian Ethnic Affairs Commission. The Commission now operates under the *Multicultural Victoria Act 2004*.

The *Multicultural Victoria Act 2004* enshrines the following multicultural principles:

- an entitlement to mutual respect and understanding regardless of background
- a duty on all Victorians to promote and preserve diversity within the context of shared laws, values, aspirations and responsibilities
- a demonstrated ability of all Victorians to work together to build a positive and progressive future
- a responsibility for all Victorians to abide by the state's laws and respect democratic processes.

The purpose of the *Multicultural Victoria Act 2004* is to establish these Victorian principles of multiculturalism, and associated reporting requirements for government departments. Section 19 of the Act provides that, as soon as practicable after the end of each financial year, each department head must prepare and submit to the Minister a report on:

- (a) the use of language services by the department
- (b) communications in languages other than English made by the department
- (c) any major improvements made, or initiatives developed, by the department that promote multiculturalism in Victoria and meet the identified needs of Victoria's culturally and linguistically diverse communities
- (d) the extent to which people from different cultural and linguistic backgrounds are represented on boards and committees established by the department or for which the department is administratively responsible.

Under section 20 the Minister may direct a department head:

- (a) to include in a report under section 19 of the *Multicultural Victoria Act 2004*, or
- (b) alternatively provide the Minister with any additional information that the Minister considers appropriate and is relevant to his or her reporting requirements under section 21 of the *Multicultural Victoria Act 2004*.

Section 21 sets out the reporting requirements of the Minister:

- (1) The Minister must prepare in respect of each financial year a report consolidating information submitted to him or her by department heads in respect of that year under section 19
- (2) The Minister must cause the report prepared under subsection (1) in respect of a financial year to be laid before each House of Parliament before the end of the next following financial year.

There have been, to date, no Regulations gazetted by the Victorian Parliament that establish the content of the reporting requirements. While there is a mandatory reporting requirement to the Victorian Parliament, its manner and form is highly discretionary, in contrast to New South Wales where reporting is highly prescriptive. The wide discretion in the assessment requirements mitigates against the collection and utilisation of comparative data and assessment. It is unclear if there is a generic assessment system used in the reporting requirements.

*The Charter of Human Rights and Responsibilities Act 2006* enshrines civil and political rights, and some cultural rights into Victorian law, further strengthening the aforementioned multicultural principles. In addition, the *Racial and Religious Tolerance Act*, and the *Equal Opportunity and Tolerance Legislation (Amendment) Bill 2006* seek to protect Victorians from extreme and serious cases of vilification.

In comparing NSW and Victoria with other states and territories, it should also be noted that they have significantly higher immigrant populations in terms of numbers and the range of communities represented, than any other state or territory. According to the 2001 Census, 63 per cent of all overseas born resided in NSW or Victoria with 80 per cent of those preferring to live in major urban areas in relatively close proximity to family and/or community members.<sup>61</sup>

## Queensland

Since 1998, multicultural governance in Queensland has been based on the Multicultural Queensland Policy (now called *Multicultural Queensland - making a world of difference*).<sup>62</sup>

The policy requires the incorporation of multicultural performance indicators into the performance agreements of Chief Executive Officers of Queensland government agencies. Agencies must also develop annual multicultural action plans and report on their implementation in their annual report.

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<sup>61</sup> Australian Bureau of Statistics, *4102.0 Australian Social Trends 2004, Where do the overseas born population live?*  
<http://www.abs.gov.au> 2004

<sup>62</sup> <http://www.multicultural.qld.gov.au/about-maq/multicultural-action-plans/>

Multicultural Affairs Queensland is responsible for coordinating a whole-of-government approach to implementing *Multicultural Queensland – making a world of difference*, and a report to government on implementation of the policy. The Interdepartmental Committee on Multicultural Affairs provides a mechanism for agencies to collaborate on the implementation of the Cultural Diversity Support Strategy and the Government Service Delivery Strategy. These strategies are drawn from the four principles of the commonwealth *Charter for Public Service in a Culturally Diverse Society*, and contain requirements for data collection, consultation, interpreter services, skills development and specific areas of need.

Multicultural governance in Queensland has no legislative structure in force, and is a highly discretionary monitoring and reporting system with weak accountability and performance assessment systems.

## South Australia

The principal multicultural governance structure is Multicultural South Australia, which is located within the Attorney General's justice portfolio and incorporates the South Australia Multicultural and Ethnic Affairs Commission.

Multicultural South Australia declares a vision to achieve an open, inclusive, cohesive and equitable multicultural society, where cultural, linguistic, religious and productive diversity is understood, valued and supported.<sup>63</sup> Key objectives of Multicultural South Australia are to increase awareness, understanding and appreciation of cultural and linguistic diversity in the community and advise government on all matters pertaining to multicultural and ethnic affairs. In South Australia, multicultural governance is confined to policy statements and is highly declaratory with governance structures largely advisory, with no powers or structure to monitor or assess performance.

## Tasmania

The principal governance structure is Multicultural Tasmania which is located within the Department of Premier and Cabinet. Its functions are to coordinate the whole-of-government policy development and planning under the Multicultural Policy, conduct consultations with organisations and stakeholders in the community and across government on multicultural affairs, as well as developing cooperative relationships with other spheres of government to more effectively manage diversity issues.<sup>64</sup>

Multicultural governance in Tasmania is principally grounded in the coordination and facilitation model of multicultural policy planning and implementation. There are no specific diversity governance performance assessment structures or processes in the governance system.

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<sup>63</sup> <http://www.multicultural.sa.gov.au/AboutUs.htm>

<sup>64</sup> [http://www.dpac.tas.gov.au/divisions/cdd/multitas/our\\_role\\_and\\_services](http://www.dpac.tas.gov.au/divisions/cdd/multitas/our_role_and_services)

## Western Australia

The Office of Multicultural Interests coordinates the development of state government policies and programs to promote multiculturalism and improve services to Western Australians from diverse cultural, linguistic and religious backgrounds.

A Western Australia Charter of Multiculturalism was launched in 2004<sup>65</sup> to explicitly recognise linguistic, religious, racial and ethnic diversity and to promote equal rights, participation and responsibilities of all Western Australians within an inclusive society. It has four principles: civic values, fairness, equality and participation.

The Charter has six objectives to:

- facilitate the inclusion and empowerment of members of all communities as full and equal members of the Australian community, enjoying the rights and duties of a shared citizenship
- encourage a sense of Australian identity and belonging as citizens, within a multicultural society
- ensure that all individuals and minority groups, recognising the unique status of Aboriginal people, receive equal and appropriate treatment and protection under the law
- enable the recognition and appreciation of the diverse cultures and backgrounds from which members of the Western Australian community are drawn
- remove all barriers to equal participation in, and enjoyment of, all aspects of society – social, political, cultural and economic
- foster the recognition of the achievements of, and contributions to, the Western Australian community of all individuals regardless of their origins, perceived ‘race’, culture, religion and nationality.

Western Australian multicultural governance is unique in its explicit reference to indigenous peoples within the context of multicultural policy. Governance of the Charter is confined, however, to largely declaratory standards and policy without any systemic accountability and performance assessment structures or processes.

## Australian Capital Territory

The principal multicultural governance structure is the Office of Multicultural and Community Affairs, based in the Chief Minister’s Department. It provides advice to the Minister on issues affecting people from culturally and linguistically diverse backgrounds. The aim is to ensure the implementation of multicultural principles and policy. Multicultural governance in the ACT is principally declaratory and advisory without specific performance assessment structures and process. All ACT Government agencies are to report on their performance against the *ACT Multicultural Strategy 2006-2009* in their annual reports.<sup>66</sup>

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<sup>65</sup> [http://www.omi.wa.gov.au/omi\\_charter.asp](http://www.omi.wa.gov.au/omi_charter.asp)

<sup>66</sup> [http://www.dhcs.act.gov.au/\\_data/assets/pdf\\_file/0014/5027/multicultural\\_strategy.pdf](http://www.dhcs.act.gov.au/_data/assets/pdf_file/0014/5027/multicultural_strategy.pdf)

Further, through the *Human Rights Act 2004*, everyone in the Australian Capital Territory is entitled to live in a community that builds a culture of respect for civil and political rights. Section 27 of the Act states that “anyone who belongs to an ethnic, religious or linguistic minority must not be denied the right, with other members of the minority, to enjoy his or her culture, to declare and practice his or her religion, or to use his or her language”.

## Northern Territory

The Office of Multicultural Affairs is a part of the Community Engagement Division in the Northern Territory Department of the Chief Minister.

The objective of the Office is to “maximise migrant and ethnic people’s participation in the social, cultural and economic development of the Northern Territory”. *Building on the Territory’s Diversity*<sup>67</sup> is the first multicultural policy for the Territory. The policy establishes four principles which guide the development of policies and programs of the government:

- valuing diversity
- fair access
- encouraging participation
- mutual respect.

Government agencies report on progress against the principles annually, with a report to be tabled by the Minister for Multicultural Affairs for public release. The report includes agency updates and an overview of key achievements, outcomes and emerging issues that affect migrant and ethnic Territorians.

The Office also provides a range of services, including interpreters and translators, overseas qualifications and ethnic affairs sponsorship. Multicultural governance in the Northern Territory is principally organised as a service delivery model without specific performance assessment governance systems.

## The commonwealth and multicultural governance

In Australia, the Commonwealth Government is responsible for immigration and entry to Australia. The history of the development of multiculturalism on a national level is critical to understanding the current commonwealth multicultural governance mechanisms.

Until the mid 1960s, the Commonwealth Government employed discriminatory practices to shape migration (commonly known as the White Australia Policy) and a policy of assimilation which required migrants to become culturally indistinguishable from the broader population. In the mid 1960s there was a minor shift to the policy of integration which did not demand cultural abandonment, but equally did not encourage promotion of cultural diversity.

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<sup>67</sup> [http://www.dcm.nt.gov.au/\\_data/assets/pdf\\_file/0004/43753/Multicultural\\_Policy.pdf](http://www.dcm.nt.gov.au/_data/assets/pdf_file/0004/43753/Multicultural_Policy.pdf)

In 1973, the then Labor Immigration Minister Al Grassby, introduced the term multiculturalism into the government lexicon and by 1975 the *Racial Discrimination Act* outlawed discrimination on the basis of race, colour, national or ethnic origin in a number of areas. By 1978, the Commonwealth Government under Malcolm Fraser adopted a policy of multiculturalism, influenced by the Galbally report on migrant services which emphasised the changing nature of Australian society and the benefits of cultural diversity.<sup>68</sup> This period also marked the introduction of an Ethnic Affairs Branch in the Department of Immigration, Ethnic Affairs Councils, migrant resource centres, the Special Broadcasting Service (SBS) and the Australian Institute of Multicultural Affairs.

In 1985 the Hawke government introduced the Access and Equity Plans Strategy which compelled Ministers whose portfolios significantly impacted on immigrants to submit statements on measures by agencies under their portfolio to ensure access and equity to services. In 1987 the Office of Multicultural Affairs in the Department of Prime Minister and Cabinet was established to advise the Prime Minister on multicultural issues and build bridges between community and government. The primary focus was research and policy advice.

The first real political opposition to multiculturalism began in 1988 following the Fitzgerald report on immigration. The Howard Coalition Opposition began to promote the concept of loyalty to Australia over cultural ties. This theme survived throughout Howard's service as Prime Minister.

In 1989 the Commonwealth Government responded with the National Agenda for Multicultural Australia<sup>69</sup> which reaffirmed the commitment to multiculturalism, including indigenous Australians, with the qualifier that a unifying commitment to Australia and respect for the country's basic structures, laws and principles of society were integral to multiculturalism. Thus, multiculturalism began to be viewed as a system of rights and responsibilities which would be echoed in the 1993 NSW *Charter of Principles for a Culturally Diverse Society* and *Community Relations Commission and Principles of Multiculturalism Act 2000*. While the national agenda anticipated a Multicultural Act, it was never passed because the issue had become politically controversial by 1990.<sup>70</sup> The 1989 agenda was reviewed and updated in 1999<sup>71</sup> and 2003<sup>72</sup> as the *New Agenda*.

When the Howard Coalition Government was elected in 1996, it implemented a change of terminology from ethnic to multicultural affairs, and transferred responsibility to the Immigration Department.

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<sup>68</sup> 2007 Roth, L, *Multiculturalism*, Briefing Paper No.9/07, NSW Parliamentary Library Research Service, June, p. 20

<sup>69</sup> *National Agenda for a Multicultural Australia*, Commonwealth of Australia, *National Agenda for a Multicultural Australia*, Australian Government Publishing Service, Canberra, 1989, vi

<sup>70</sup> Jupp, J *From White Australia to Woomera: The Story of Australian Immigration*, Cambridge University Press (2007)

<sup>71</sup> *New Agenda for Multicultural Australia*, Commonwealth of Australia, *New Agenda for Multicultural Australia*, Australian Government Publishing Service, Canberra, 1999, p.6

<sup>72</sup> The 2003 update to the New Agenda, Commonwealth of Australia, '*Multicultural Australia: United in Diversity*', Australian Government Publishing Service, Canberra, 2003, p.6

In 1998, the government launched the *Charter of Public Service in a Culturally Diverse Society*. The Charter was endorsed by Australian, State and Territory governments and by the Australian Local Government Association, but did not have legislative status. It required Australian government agencies to build cultural diversity considerations into strategic planning, policy development, budgeting and reporting processes on government service delivery. Australian government agencies were required to report annually to the Department of Immigration and Citizenship on progress in implementing the Charter's principles. The term multiculturalism was qualified as Australian multiculturalism in an attempt to highlight shared Australian values and introduce four principles of multiculturalism:

- civic duty
- cultural respect
- social equity
- productive diversity.

By 2006 the Howard Coalition Government announced that multiculturalism was no longer the best reflection of the government's intentions, and the preferred term and political emphasis would be on citizenship. The then Department of Immigration, Multicultural and Indigenous Affairs was renamed to the Department of Immigration and Citizenship and plans were implemented to introduce a citizenship test for all prospective immigrants to demonstrate their knowledge of the English language and Australia, and the associated responsibilities and privileges of living here, along with a commitment to Australia's values.<sup>73</sup>

In 2007, the Rudd Labor Government came to power and made many significant changes to the operation of Australian immigration services. A new portfolio area of social inclusion was created, with the Deputy Prime Minister designated as Minister for Social Inclusion. The Department of Immigration and Citizenship was retained to focus on immigration matters, while the Social Inclusion Unit in the Department of Prime Minister and Cabinet and the Australian Social Inclusion Board were responsible for social issues arising from the migration experience.

Social inclusion assumes a profoundly different philosophical approach to multiculturalism. Its foundation lies in the impact or outcomes of social policy and the social experience on individuals, and how those individuals can be incorporated into a broader social context. Multiculturalism focuses on the collective experiences of different communities as they interact with one another, addressing any challenges or opportunities. Thus, under social inclusion there is an emphasis on:

- reducing disadvantage
- increasing social, civil and economic participation
- a greater voice, combined with greater responsibility.

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<sup>73</sup> Australian Government, 'Questions and Answers on Citizenship Test', accessed on the citizenship website: [http://www.citizenship.gov.au/news/citizenship-test/Q\\_A.html](http://www.citizenship.gov.au/news/citizenship-test/Q_A.html)

The model operates without any presumptions about which groups will be most in need of assistance. Persons of diverse cultural, linguistic and religious backgrounds may require assistance on the basis of their individual circumstances, but will not as a group be a specific priority for the government. It should be noted that the Rudd ministry has retained portfolios for some other priority or target groups, namely women and indigenous people, but not for others, such as multicultural and disability groups.

A comparative table of multicultural governance in Australian jurisdictions is at Appendix D.

## CANADIAN MULTICULTURALISM

Canada was the first country in the world to pass national legislation governing multiculturalism, in 1969. Subsequently, ethnic and community diversity policies are now a foundation of the Canadian state. As Canada is also a federal system, provincial multicultural policies were also reviewed.<sup>74</sup>

### Canadian federal multiculturalism<sup>75</sup>

In 1969, the federal Canadian Government passed the *Official Languages Act*, which was significant not only because it attributed equality to English and French as official languages, but required that speakers of both languages have equal cultural status, especially in relation to pay equity and education. In 1971, the federal Canadian Government proclaimed the first official policy of multiculturalism, recognising that all Canadians should have equality of rights regardless of racial or ethnic origin, language or religious affiliation. This policy also guaranteed the right to maintain cultural identity.<sup>76</sup> In 1972, implementation of the policy was made a ministerial responsibility and in 1973 a Canadian Consultative Council of Multiculturalism was formed, as well as a Multiculturalism Directorate in the Department of the Secretary of State.

During the 1980s, race relations presented the federal Canadian Government with some difficulties, resulting in a growing institutionalisation of multicultural policy. In 1982, multiculturalism was referred to in section 27 of the Canadian *Charter of Rights and Freedoms*, which provided that:

“This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians”.

This clause empowered the courts to consider Canada’s multicultural reality at the highest levels of decision-making and, according to a former Human Rights Commissioner, provided a useful “interpretative prism” to assist the courts in balancing individual and multicultural (often collective) rights.

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<sup>74</sup> Annual Report on the Operation of *The Canadian Multiculturalism Act* 2006-2007  
<http://www.cic.gc.ca/multi/rpt/index-eng.asp>

Relevant provincial multicultural agency web sites were sighted and all relevant legislation was reviewed. All provincial and Federal parliamentary reports concerning multicultural policy implementation were sighted.

<sup>75</sup> Parliamentary Information and Research Service, *Canadian Multiculturalism* March 2006  
<http://www.parl.gc.ca/information/library/PRBpubs/936-e.htm>

<sup>76</sup> Citizenship and Immigration Canada, <http://www.cic.gc.ca> Canadian Government e laws  
[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90m18\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m18_e.htm)

A stronger multicultural governance framework was introduced in July 1988 with the introduction of the *Act for the Preservation and Enhancement of Multiculturalism in Canada*. The legislation mandated that the government of Canada promote multiculturalism, defined as the protection and retention of cultures and their languages and ensuring equality of opportunity for all to participate in all aspects of Canadian society.

The multiculturalism legislation was consolidated and strengthened in 1991 by the *Department of Multiculturalism and Citizenship Act*. This Act acknowledges multiculturalism as a fundamental characteristic of Canadian society with an integral role in the decision-making process of the federal government. The legislation sought to assist in preserving culture and language, reducing discrimination, enhancing cultural awareness and understanding, and promoting culturally sensitive institutional change at the federal level.

Under sections 3 and 5 of the Act, all government agencies, departments and Crown corporations (not just the Minister of Citizenship and Immigration) are expected to provide leadership in advancing Canada's multicultural mix, and to take part in the design and implementation of plans, programs, procedures and decision-making strategies that enhance the full and equal participation of minorities within institutional structures.

Under a prescribed template and guidelines, each agency is requested to prepare a *Submission on the Operation of the Canadian Multicultural Act* through the *Multiculturalism Program* administered by the Department of Immigration and Citizenship. The Minister is legislatively required (section 8) to prepare and table a report in Parliament on operation of the Act, including activities and initiatives undertaken by all agencies under the *Multiculturalism Program*, informed by those submissions.

The *Multiculturalism Program* also provides funding assistance, such as grants, to community projects that encourage participation in society and raise issues affecting ethno-cultural and racial communities.

## Provincial multicultural governance

Most provincial Canadian governments have adopted some form of multiculturalism policy.

At present, six of the 10 provinces: Alberta, British Columbia, Manitoba, Nova Scotia, Quebec and Saskatchewan, have enacted multiculturalism legislation.

Further, in eight provinces: Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan, a multiculturalism advisory council or structure reports to the minister responsible for multiculturalism.

An analysis of multicultural policy in each of the provinces follows.

A comparative table of all Canadian jurisdictions is at Appendix E.

## Alberta

In 1984, Alberta first legislated multicultural law with the *Alberta Cultural Heritage Act* which defined multiculturalism as a fundamental characteristic of society. In 1990, the *Alberta Multiculturalism Act* was passed and established an advisory Multiculturalism Commission and a Multiculturalism Advisory Council to provide policy advice to the Multiculturalism Commission.

In 1996, the human rights and multiculturalism programs were merged through the *Human Rights, Citizenship and Multiculturalism Act*.<sup>77</sup> The principal objectives of multiculturalism were retained with the newly formed Alberta Human Rights and Citizenship Commission subsuming the functions of the former Multiculturalism Commission. A major function of the Commission is to advise the responsible Minister.<sup>78</sup>

After the end of each year, the Commission is required to prepare and submit to the Minister, a report on its activities, including “a summary of the disposition of complaints under this Act, and any other information that the Minister may require”.<sup>79</sup>

The reporting requirements of the Commission are mandatory. However, the content and form of the reporting and assessment, apart from assessment of complaints to the Commission, are discretionary.

## British Columbia

In 1993 British Columbia adopted the *Multiculturalism Act*<sup>80</sup> which requires the government to “generally, carry on government services and programs in a manner that is sensitive and responsive to the multicultural reality of British Columbia”.

On or before May 31 of each year, every ministry and government corporation within the meaning of the *Financial Administration Act*<sup>81</sup> must submit an annual report to the responsible Minister setting out the initiatives undertaken in the reporting period to promote the policies of multiculturalism.<sup>82</sup> The Minister is required to prepare an annual report for the fiscal year for which the report is prepared, on the administration and implementation of the Act, and the activities of the Council. The Minister is further required to table the report before the Legislative Assembly during the session following the end of the year for which the report is made.<sup>83</sup>

While no regulations have been enacted in relation to the Act, some 40 regulations have been enacted in relation to the *Financial Administration Act*. However, the Legislative Assembly of British Columbia has not incorporated into its auditing requirements, obligations for multicultural policy assessment and reporting.

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<sup>77</sup> Ministry of Citizenship and Culture Act R.S.O. 1990, Chapter M.18  
[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90m18\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m18_e.htm)

<sup>78</sup> Ibid ss.16(1)(h)

<sup>79</sup> Ibid s.19

<sup>80</sup> *Multiculturalism Act* [RSBC 1996] Chapter 321. <http://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-321/latest>

<sup>81</sup> *Financial Institutions Act*, R.S.B.C. 1996

<sup>82</sup> *Multiculturalism Act* [RSBC 1996] Chapter 321 ss. 7(1)

<sup>83</sup> Ibid s.7

In British Columbia multicultural governance is constituted by strong mandatory policy assessment and reporting requirements. The assessment and reporting obligations are extensive and reach all government departments and agencies. However, the content and form of the assessment and reporting process is discretionary with the Minister and government departments and agencies.

## **Manitoba**

In 1984, Manitoba adopted multicultural legislation in the form of the *Manitoba Intercultural Council Act*, and later in 1992 the *Manitoba Multiculturalism Act*.<sup>84</sup>

The Act provides the responsible Minister with the power and authority to “act as an advocate” within government to ensure that policies and programs throughout the government “reflect the multiculturalism policy”<sup>85</sup> established in the Act. <sup>86</sup> The Minister is able to “coordinate the efforts” of departments and agencies of the government “to contribute to the achievement of a successful multicultural society in Manitoba”. <sup>87</sup>

The Act established a governance structure in the form of the Multiculturalism Secretariat, which, under ministerial control, is required to work with agencies of the government “to identify, prioritise and implement actions” to contribute to the achievement of a successful multicultural society in Manitoba<sup>88</sup> and “to encourage sensitivity and responsiveness to the needs” of cultural communities<sup>89</sup>.

Importantly, Manitoba has a mandatory annual reporting provision which requires the Minister to prepare an annual report on the administration of this Act and the activities of the Secretariat. The Minister must table a copy of the annual report before the Legislative Assembly of Manitoba within 15 days of receiving it.<sup>90</sup> However, the Act does not mandate the manner and form of the assessment process, data collected or the nature of the report which appears to be highly discretionary in regard to process, content and form. No enabling regulations have been passed in relation to the Act.

## **Prince Edward Island**

In 1988, Prince Edward Island introduced a Provincial Multiculturalism Policy.<sup>91</sup> This policy is built on the four principles: equality, appreciation, preservation and participation. A Ministerial Advisory Committee advises the Minister Responsible for Multiculturalism.

Multiculturalism is advisory with no mandatory or specific assessment requirements.

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<sup>84</sup> The Manitoba Multiculturalism Act C.C.S.M c. M223.  
<http://web2.gov.mb.ca/laws/statutes/ccsm/m223e.php>

<sup>85</sup> Ibid ss. 3(a)

<sup>86</sup> Ibid s. 2

<sup>87</sup> Ibid ss. 3(c)

<sup>88</sup> Ibid ss. 5(a)

<sup>89</sup> Ibid ss. 5(f)

<sup>90</sup> Ibid s. 7

<sup>91</sup> Prince Edward Island Provincial Multicultural Policy.  
[http://www.gov.pe.ca/photos/original/cca\\_multi\\_engli.pdf](http://www.gov.pe.ca/photos/original/cca_multi_engli.pdf)

## Newfoundland and Labrador

Newfoundland and Labrador have not adopted a multiculturalism policy. In June 2005, an issues paper *An Immigration Strategy for Newfoundland and Labrador: Opportunity for Growth*<sup>92</sup> recommended development of a multicultural policy and the integration of diversity and inclusiveness principles in the development of government policy and programs.

## Nova Scotia

In 1989, Nova Scotia introduced multiculturalism legislation with the *Multiculturalism Act*.<sup>93</sup> Two key governance structures were established with a Cabinet Committee on Multiculturalism over sighting implementation of a multicultural policy through government departments and agencies<sup>94</sup> and a Multicultural Advisory Committee advising a Cabinet committee and reviewing programs. The advisory committee is required to make an annual report to the Cabinet Committee on its activities each year.<sup>95</sup>

Nova Scotia has established strong multicultural governance structures, however, the assessment and reporting process is highly discretionary.

## Ontario

As early as 1977, Ontario implemented a government multicultural policy. Legislation referring to cultural expression and preservation was enacted in 1982 which established the Ministry of Citizenship and Culture under the *Ministry of Citizenship and Culture Act 1990*,<sup>96</sup> with the Ministry responsible for multicultural policy. The Act requires the Ministry of Citizenship and Culture to recognize the pluralistic nature of Ontario society emphasising equal social participation and the “*sharing of cultural heritage*” [ss. 4(b)]. In addition, the creative and participatory cultural life is to be facilitated by the “*stimulation*” of cultural expression to strengthen the richness of community diversity [ss. 4(d)].

The Minister is required under the Act at the end of each year to submit to the Lieutenant Governor in Council, an annual report on the affairs of the Ministry. The report must be tabled before the Assembly of Ontario if it is in session or, if not, at the next session.<sup>97</sup>

While the Act creates an obligatory reporting requirement by the responsible Minister to the Ontario Assembly, the Minister has discretion for the form and content of the reporting and assessment.

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<sup>92</sup> *An Immigration Strategy for Newfoundland and Labrador: Opportunity for Growth* “Government of Newfoundland and Labrador, Human Resources, Labour and Employment  
<http://www.gov.nl.ca/hrle/immigration/english/new.htm>

<sup>93</sup> *Multiculturalism Act*. R.S.,c. 293 Canadian Legal Information Institute (CanLII)  
<http://www.canlii.org/en/ns/laws/stat/rsns-1989-c-294/latest/rsns-1989-c-294.html>

<sup>94</sup> *Ibid* s.5

<sup>95</sup> *Ibid* s.7

<sup>96</sup> *Ministry of Citizenship and Culture Act* R.S.O. 1990, Chapter M.18. Canadian Government e laws.  
[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90m18\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m18_e.htm)

<sup>97</sup> *Ibid* ss.5(2)

## New Brunswick

In 1986, the New Brunswick Policy on Multiculturalism was adopted which “strives for a unity which does not deny or eradicate diversity but which recognises and transcends it. At the same time, it seeks to ensure that in acknowledging and appreciating cultural diversity, these differences, so accentuated, do not become a cause of discriminatory treatment to impede individuals in their desire to become an integral part of the larger community”.<sup>98</sup>

The Ministerial Advisory Committee reviews policies, programs and activities relating to multicultural policy, makes recommendations and provides information and advice to the responsible Minister, as well as making recommendations on multicultural policy. The advisory committee submits an annual report to Cabinet through the Minister responsible for multiculturalism.<sup>99</sup>

Multicultural governance is advisory and reporting and assessment processes are discretionary.

## Quebec

Quebec does not have a multicultural policy but describes its policy as inter-culturalism. This is interpreted as a policy of cultural diversity and recognition without requiring equity between cultural groups. Diversity is tolerated and encouraged within a framework of French linguistic and cultural hegemony.

In 1981, the Ministry of Cultural Communities and Integration set out its intercultural objectives by publishing a plan of action, *Autant de façons d’être Québécois (Québécois – Each and Every One)*. The plan recognised the uniqueness of cultural diversity and the need to develop strategies of inclusion for marginalised communities.

In 2005, the National Assembly passed an Act respecting the *Ministère de l’Immigration et des Communautés Culturelles*<sup>100</sup> which established the Ministry of Immigration and Cultural Communities. The primary objectives of the Ministry are to support cultural communities and assist with full participation in Quebec society and foster openness to pluralism and closer intercultural relations in society.<sup>101</sup> In addition, the Minister is to advise the government and government departments and bodies on any matter under the Minister’s authority and may, if necessary, make recommendations. The Minister has considerable power, in relation to other government departments, in the implementation and reporting to the Assembly on policy.

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<sup>98</sup> *New Brunswick’s Policy on Multiculturalism*  
<http://www.gnb.ca/3100/policy2007-e.asp>

<sup>99</sup> *Ibid*

<sup>100</sup> *Act respecting the Ministère de l’Immigration et des Communautés Culturelles, R.S.Q. c. M- 16.1* Canadian Legal Information Institute (CanLII)  
<http://www.canlii.org/en/qc/laws/stat/rsq-c-m-16.1/latest/rsq-c-m-16.1/latest/rsq-c-m-16.1.html>

<sup>101</sup> *Ibid* s.3

The Minister is empowered to enter into agreements with a government, other than the Gouvernement du Québec, a department or body of that government, or an international organisation or one of its agencies, to conduct or commission research, inventories, studies and analyses and publish them,<sup>102</sup> and obtain from departments and public bodies, the information necessary to establish and implement the intercultural policies and guidelines.<sup>103</sup>

Intercultural governance in Quebec is characterised by extensive ministerial discretion in regard to policy implementation requirements in government departments.

## **Saskatchewan**

Saskatchewan was the first province to adopt legislation on multiculturalism. The *Saskatchewan Multiculturalism Act* was first passed in 1974. In 1997, a new *Multiculturalism Act* was enacted, which reaches beyond the traditional definition to reflect the contemporary policy imperatives of multiculturalism and social harmony. To date no regulations have been created in relation to the Act.

The objects of the Act establish the scope of multicultural policy in the recognition of diversity (encompassed by race, cultural heritage, religion, ethnicity, ancestry and place of origin) as a fundamental societal characteristic. The Act requires the fostering of a social environment that promotes harmonious relations among diverse social groupings without sacrificing their distinctive cultural and ethnic identities, along with encouraging respect for the multicultural heritage of Saskatchewan.<sup>104</sup>

The Act requires that Saskatchewan government agencies must administer services and programs in a manner that is “sensitive and responsive” to a multicultural society.<sup>105</sup> The governance provisions provide discretionary powers to the responsible Minister to review provincial legislation, policies and programs to determine if they “reflect multiculturalism policy”,<sup>106</sup> monitor policy implementation by departments, agencies and Crown corporations of the Government of Saskatchewan, collect data, conduct research, and “request or prepare and publish reports” concerning multiculturalism. The responsible Minister has advisory powers in regard to multiculturalism.<sup>107</sup>

Multicultural governance in Saskatchewan is characterised by ministerial discretionary processes, advisory powers and ad hoc reporting structures.

## **The United Kingdom**

During the period of this review, the United Kingdom underwent significant legislative and operational reform in regard to multiculturalism. This transition presented some challenges for comparison, as many of the novel mechanisms had not bedded down during the review period.

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<sup>102</sup> Ibid s.6

<sup>103</sup> Ibid ss.6(5)<sup>104</sup> Ibid SS 3

<sup>104</sup> Multiculturalism Act 1997, c.M-23.01

<http://www.ijcan.org/en/sk/laws/stat/ss-1997-c-m-23.01/latest/ss-1997-c-m-23.01.html>

<sup>105</sup> Ibid ss.4 (j)

<sup>106</sup> Ibid ss.5 (a)

<sup>107</sup> Ibid s.5

The Equality and Human Rights Commission became operational in October 2007. It combines the responsibilities and powers of the three previous Equality Commissions – the Commission for Racial Equality, the Disability Rights Commission, and the Equal Opportunities Commission which was responsible for promoting racial, disability and sex equality in Britain. In many ways, this development echoes the shift to social inclusion occurring in the Commonwealth of Australia at the same time.

The changes were operational and did not impact upon the legislative foundations which underpinned the former discrete Commissions. Therefore, the Equality and Human Rights Commission must uphold and promote the race relations provisions of the former Commission for Racial Equality.

Since 1976, the *Race Relations Act* made discrimination on the basis of race unlawful. However, the Act was amended in 2001 to place a specific statutory duty upon public authorities to actively promote race equality. The objective of the legislation is to compel public agencies to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good relations between persons of different racial groups.

Under the amendments, a number of public authorities are subject to the specific duty of preparing a Race Equality Scheme<sup>108</sup> at least every three years, as well as reporting on progress annually. The Race Equality Scheme should include statements on how the agency:

- monitors its staff data and employment practices (with respect to race)
- monitors and assesses the impact of race equality/harmony initiatives
- consults on race issues.

The Race Equality Scheme should also demonstrate how the agency's monitoring and evaluation influences future planning, and how the agency seeks to improve performance.

The amendments operate as an accountability mechanism for public sector agencies in much the same way as does the EAPS Program in NSW. Agencies can access a password protected online guide for developing plans and monitoring performance.

## New Zealand

New Zealand does not have an official multicultural policy or structure and policy comparators like New South Wales. In response to a developing movement for Maori self-determination in the 1970s, and as the Maori began to promote their own traditions and values, the term biculturalism emerged and has been established as the dominant policy approach to ethnic, linguistic and cultural diversity in New Zealand.

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<sup>108</sup> Race Relations (Amendment) Act 2000.  
<http://www.justice.gov.uk/publications/docs/race-equality-scheme.pdf>

In 2002, the Office of Ethnic Affairs (established in 1999) developed *Ethnic Perspectives in Policy*,<sup>109</sup> a framework providing a comprehensive guide for government departments when considering policy developments that impact on the needs of New Zealand's growing and diverse ethnic communities.

While the framework does not have legislative status or any mandatory reporting requirements, it establishes the need to include ethnic perspectives in policy advice, and establishes key outcomes relating to the broader goals and values of the government and public sector with respect to ethnic communities.

## Conclusion

The New South Wales EAPS Program is based on a mandatory and comprehensive policy performance assessment process and system. In comparison with Australian state and territory jurisdictions, New South Wales has developed a sophisticated reporting and assessment regime.

Only Victoria comes close to implementing such a strong governance system.

In comparing Canadian provincial jurisdictions, while British Columbia and Manitoba have developed a strong governance of multicultural policy, performance assessment lacks the coherence and structure within the New South Wales EAPS system.

Comparison with the United Kingdom, which has introduced strong accountability measures within a framework of race and equality impact assessments, are premature as reporting mechanisms for the new legislative changes are still being implemented.

New Zealand does not have a comparable system as it operates under a bicultural framework without legislative status for ethnic diversity.

This comparison to other jurisdictions makes it apparent that EAPS in NSW is a world class system of multicultural accountability and governance.

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<sup>109</sup> [http://www.ethnicaffairs.govt.nz/oeawebsite.nsf/wpg\\_url/Resources-Ethnic-Affairs-Publications-Ethnic-Perspectives-In-Policy](http://www.ethnicaffairs.govt.nz/oeawebsite.nsf/wpg_url/Resources-Ethnic-Affairs-Publications-Ethnic-Perspectives-In-Policy)

## SECTION 4: ETHNIC AFFAIRS PRIORITIES STATEMENT (EAPS) PROGRAM IN ACTION

### Recent reviews and EAPS

The preliminary stage of this review found that international and intra-national comparisons clearly show EAPS is an innovative and strong governance model for multiculturalism. However, feedback from agencies suggests that EAPS could benefit from some modifications and changes. Suggestions for changes to the EAPS process that were made in the *White Paper, Cultural Harmony: The Next Decade 2002-2012*, are presented in Table 1.

This section provides additional analysis of perceptions and views of EAPS and the Standards Framework, expressed during interviews and the consultation process described in Section 1. The analysis includes views from the four original agencies interviewed, eight presentations and a further four written submissions, plus comments and issues raised at the June and July 2008 forums by other key and non-key agencies. Some views are contradictory, however, all views are included.

While widening consultation did not provide any major additional themes, it confirmed the original themes derived from in-depth interviews. Some new views related to suggestions for changes to the EAPS Standards Framework. At first analysis, it was found that agencies ranged in their knowledge and understanding of EAPS and the Standards Framework, and there was a continuum of strategies according to the skills and experience of staff. This human resource aspect in the success of EAPS is a crucial consideration.

An additional theme was the issue of stressors relating to public sector reform, with perceptions of frequent restructuring, lack of strategic planning, and diminishing resources and morale, while accountability is increasing.

### Findings from key agency perspectives: positive features of EAPS

Nearly all individuals and agencies identified positive features, including improvements to service delivery, such as data collection and language services:

- “I think EAPS has made a huge difference to service delivery within the NSW Government... although we had a setback in the last few years with the Commonwealth Government. It was touch and go politically for multiculturalism not to be seen as a priority. I think there has been a step backwards...”
- “... improvement in language services, even data collection for example. I think most services would not be collecting data on cultural diversity, or language, or birthplace if they didn’t have to report on it...”
- “... there is fabulous stuff on the Commission website that is very useful for preparing EAPS”.

In addition, EAPS reporting was perceived as providing a lever for action within agencies. The action was seen as having a spreading effect, which made a difference:

- “There is a slight benefit because it can be used as a big stick of mandatory reporting. It allows us to get information from people whom we would not be able to get it from...”

- “We have found it useful. I am not sure whether it is EAPS or the way we have applied it, so that any particular tool we have used will have the same effect”.
- “If you use this as a tool and you start off with only 50 EAPS plans and 50 reports, and then three years later, you have 450 plans that you vetted, and you have systematically gone through the organisation. And you have reports to show that you have implemented them. Then I would say that you have the capacity to make a difference”.

## Findings from key agency perspectives: problematic features of EAPS

Perceptions of problematic features of EAPS by individuals and agencies were also noted. At all stages of the review that entailed interviews, presentations, forum and submissions, agencies were asked to identify problematic features of EAPS. Numerous issues were raised; some were misinterpretations about EAPS while others were not appropriate to the legislative content of NSW.

Several issues raised as problematic reflect long-identified issues which the Commission is addressing, in part through this review, or the planned re-drafting of the Standards Framework. They include:

- agency perception of EAPS solely as a reporting requirement
- the need for EAPS to be more outcome based, rather than process oriented
- the tendency for the EAPS Standards Framework to be seen as a league table of performance, rather than a planning and evaluation tool
- lack of parity among the various criteria of the EAPS Standards Framework, coupled with the erroneous perception that key agencies, irrespective of the nature of their business, are required to fulfil every criteria at every level of the Framework, leading to complaints of “trying to fit square pegs into round holes”
- the need to incorporate more contemporary multicultural directions and policies into the Standards Framework, such as supporting community harmony and realising the economic and cultural benefits of a culturally and linguistically diverse population.

Problematic issues identified by some of the responding agencies seemed to reflect the internal procedures established within the agency itself, leading to a perception of EAPS as merely an onerous and time-consuming audit.

Another perception in the responses was that EAPS is a drain on limited resources. This is of concern because it suggests that some agencies may still regard multicultural services as an optional and expensive add-on, whereas the thrust of the EAPS Program has increasingly emphasised the need for multicultural services to be integral to mainstream programs and service delivery.

While some agencies regarded EAPS as a burden-imposed big stick, others said the program lacked teeth, other respondents expressed appreciation of the so-called big stick because of the internal leverage it can provide.

All the responses are recorded and tabulated at Appendix F under six major headings relating to perceptions about:

1. Effectiveness of EAPS in terms of strategy and planning, creativity and innovation, addressing complexity, focusing on compliance not change, ineffective policing, promotion of organisational change.
2. Standards Framework in terms of a method of self assessment, linking to multicultural policies of agencies, activity areas, indicators, levels and scoring.
3. Agency planning in terms of information, support and tailoring EAPS.
4. Agency reporting and assessment in terms of ‘poor fit’ for some agencies, a burden and not addressing community needs.
5. Unfairness in terms of inappropriate measures and accountabilities, resource limitations, weighting of scores, inability to comply.
6. Support from the Commission, in particular limited resources to engage with key agencies and provide a forum or network.

## Agency suggestions for changes to EAPS

An analysis of agency suggestions for changes to EAPS is presented at Appendix G. At all stages of the review that included interviews, presentations, forums and submissions, agencies were asked: “Do you think EAPS needs to change, and if so why? What suggestions do you have about changes?”

This resulted in numerous suggestions and these are reported here and at Appendix G, classified under six major headings relating to:

- modifying the existing framework and reporting systems by introducing agency specific agreements, sector or cluster-based approaches, scoring and ranking
- reducing the perceived burden of reporting by simplifying reports, auditing agencies less frequently, and conducting joint Commission-agency reporting processes
- supporting innovation through seed funding and best practice by encouraging agencies and staff with rewards and recognition
- increasing Commission support for agencies by improving clarity of communication, creating a space for Commission-agency dialogue, enhancing advice and information services, creating forums for interagency discussion and support, resourcing agencies adequately
- adopting forward planning and outcome approaches to planning by stipulating priority action areas for EAPS, better integrating EAPS reporting into mainstream planning and reporting systems
- collaborating on action for multicultural issues, including strategies to proactively address priority multicultural issues, such as newly emerging African communities.

## Conclusion

The review found many positives associated with EAPS and its achievements in service delivery and strategy. While the review elicited numerous problematic features of EAPS and suggestions for change, this also indicates a commitment to improving EAPS. All suggestions are presented in this section and at Appendix G, although some are not feasible. The rationale for changes and recommendations are discussed in Section 5.

## SECTION 5: DISCUSSION AND OPTIONS FOR THE EAPS PROGRAM

### Should EAPS be changed?

As stated previously, the first stage of the review consisted of in-depth interviews with selected key agencies. Agency suggestions for change to EAPS are outlined in Appendix G. In the second stage, the review team considered issues raised in forums and submissions, as well as discussions at meetings on the Standards Framework. The main areas that emerged from these consultations, and are considered by the review to require further action, are presented in this section.

This review agrees with previous reviews that EAPS has a legislative framework, which is mandated by regulation and does not need to be changed because it is operating effectively. However, in line with recommendations from the White Paper, *Cultural Harmony: The Next Decade 2002-2012*, and the *Red Tape Review*, it is agreed that there are misinterpretations about the EAPS Program that could be clarified through an agency education campaign.

Agencies, in particular non-key agencies, need to understand that they are ultimately responsible for their own EAPS process and reporting. Agencies are in the best position to define their own context and indicators for EAPS as they are familiar with the services they can offer, their client groups and their needs, as well as limitations on the agency.

The study agrees with the views of experienced agency managers that EAPS can and should be used as leverage for change as it provides a framework to improve action on access, equity and participation. The review also agrees that, in line with current trends in management, the EAPS process should be more of a partnership between the Commission and government agencies.

### Revitalisation of EAPS – name and celebration

After 25 years, EAPS would benefit from a revival or revitalisation. For example, there is still confusion among non-key agencies that the 1993 *Charter of Principles for a Culturally Diverse Society* is still operational. It is timely to delineate EAPS clearly and celebrate what EAPS has achieved.

The issue of a name change to EAPS was considered by the review and, given its complex history, requires stakeholder consultation. Some suggestions were for a name change to more accurately reflect and align with the concept of multiculturalism, and other relevant concepts in the *Community Relations Commission and Principles of Multiculturalism Act 2000*, such as delivery of government services and CEO obligations to implement the principles of multiculturalism.

**Recommendation 1 – Consider a name change to EAPS to assist in revitalisation of the program.**

## Forward planning for organisational change

The EAPS Program has, to date, provided a sustainable platform for continuing improvements in the public sector. However, arguments are that EAPS administration needs to be modernised to reflect other changes and challenges in contemporary public sector organisations. Organisational development research shows that introducing change is challenging, even more so to achieve sustainable implementation.

In the context of agency restructures and increasing responsibilities with decreasing staff, EAPS can be perceived as an added burden. Even some agency staff who are committed to principles of multiculturalism have expressed views that the EAPS Program is not providing a strategic framework on which to build change within their organisations.

In the context of the Commission, the number of staff working with government agencies on EAPS has steadily diminished over the past decade. Consequently, the assistance and support function of the Commission has lessened as there are fewer staff to work closely with all agencies on their EAPS.

A decrease in staff and an increased emphasis on accountability have diminished the focus on forward planning and working collaboratively with agencies to become more of a review. In this respect, the emphasis on retrospectively accounting for one's actions in a fairly mechanical way does not encourage agencies to actively consider how they can facilitate greater access or equity in their service delivery in the same way that a planning or strategic exercise might.

At the same time, the review identified an opportunity to revitalise EAPS by placing greater emphasis on the Standards Framework as a planning tool. In future, the Commission should commit more staff resources to assisting agencies in improving forward planning by development of agency-specific performance indicators for EAPS.

These agency performance indicators that link to Standards Framework criteria would steer an agency's EAPS self assessment and could be negotiated with the Commission. This process would enable the Commission to gain a fuller understanding of what the agency is seeking to achieve and how it proposes to measure progress.

**Recommendation 2 – Trial new processes for the Commission to work collaboratively with EAPS key agencies on forward planning.**

## The role of CEOs and senior management as change agents

Change requires commitment from CEOs and senior managers, a strong communication strategy, supportive structures, clear roles and responsibilities, and a workforce that understands the processes.

While the direction of the EAPS Program over the years has been to define the role of CEOs and senior management in meeting the New South Wales Government's multicultural objectives, the review identified the need for the Commission to find new ways to provide CEOs and senior management with up-to-date information on EAPS developments and examples of senior management leadership in EAPS.

**Recommendation 3 – Develop strategies to assist CEOs in meeting their mandatory obligations to implement the principles of multiculturalism through EAPS.**

## Recognition of excellence in EAPS planning and implementation

Providing an opportunity for agencies to showcase their successes and lessons learned may be a positive initiative for agencies. Revitalisation and recommitment should, in the first instance, come from CEOs and Ministers. An annual event which incorporates rewards and recognition for agencies and is attended by CEOs would be a positive step. Along with this recognition, information on EAPS should be provided to CEOs and senior managers.

Several agencies at the July 2008 forum and subsequent meetings referred to the Standards Framework levels, suggesting that the emphasis on achieving a higher rank, often driven by senior management, came at the expense of a more thorough evaluation process. However, the Standards Framework levels are not made public and therefore cannot provide public recognition for excellence.

Consequently, the review identified a need to recognise CEOs and senior managers through an award or certificate of recognition. The review suggested that this award presentation might coincide with the annual release of the *Community Relations Report* which highlights best practice and achievements in EAPS.

**Recommendation 4 – Introduce an award to recognise excellence in agency EAPS performance.**

## Human resources are crucial as change agents

Essentially, the EAPS Program demands agencies to consistently reflect on how they operate and deliver services to an ever changing culturally diverse community, and increasingly respond to the community's needs. Not only are communities constantly evolving, but so is the landscape of the public sector.

Overall, while there is a continuum of understanding in government agencies about the EAPS Program, there has been a turnover in staff and managers responsible for collating data and information on EAPS.

In some agencies the person responsible for collating the EAPS reports has little experience in the area and does not always feel professionally equipped to be a change agent which requires high level negotiation and communication skills. While there are some highly experienced staff who have developed techniques for gaining agency co-operation, there are others who are newer and perceive they lack the authority to gain information from all sections in their agencies. Those agencies with a continuity of staff responsible for EAPS have made significant progress, as they have become more strategic over time. An additional concern is that a number of senior change agents with cultural diversity work experience in agencies are approaching retirement, making necessary succession planning to transfer skills, knowledge and contacts.

As part of the review, agencies suggested the need for a network which would provide opportunities to learn from others, share problems and explore successes. Networks could focus on existing clusters, such as education, legal and justice, health and welfare, utilities and business, and arts, sports and recreation. The network could also expose non-key agencies to the latest developments in initiating programs and using the Standards Framework. Agencies in the cluster could meet annually or twice a year.

Other suggestions included interdepartmental EAPS activities that focus on a major emerging topic or issue, such as services for newly emerging African communities.

**Recommendation 5 – Provide agency networks with support for EAPS information sharing and skills building.**

## Cultural diversity training for agencies

The White Paper, *Cultural Harmony: The Next Decade 2002-2012*, recommended that agencies increase cultural diversity staff training at all levels, in particular new staff at induction. This review concurs and suggests further that agencies consider options for sharing training resources and/or trainers, or scheduling joint cultural diversity training events, eg. in regional areas.

**Recommendation 6 – Provide regular information and training on the revised EAPS Program to New South Wales agency staff.**

## Options for the Standards Framework

At the end of the first phase of the review, New South Wales agencies were asked, prior to their presentations at the July 2008 forum, to consider four options for EAPS and the Standards Framework. These options were considered at the same forum by key and non-key agencies:

1. Do nothing – the EAPS Program and Standards Framework is fine for our agency.
2. Minor changes to structure and wording of the Standards Framework – our agency has trouble with some of the wording and organisation of the Standards Framework.
3. Modify the Standards Framework structure and wording and allow our agency to report on additional indicators we have developed.
4. Do away with EAPS and the Standards Framework – EAPS reporting does not apply to or work for our agency

**Option 3 was preferred.** No agency at the forum, in interviews or submissions wanted to do away with EAPS. All agencies making presentations at the forum and in submissions indicated they wanted a revised Standards Framework. It was agreed that the revised Standards Framework needed to redefine core EAPS headings and provide new structure, wording and descriptors.

Given the need to place greater emphasis on EAPS forward planning, the review considers that a new draft Standards Framework should be tested in agency forward planning situations.

**Recommendation 7 – Review and trial the new format and wording for the Standards Framework with pilot agencies during planning to ensure clarity and currency.**

At the July 2008 forum, key agencies were invited to trial a re-structured Standards Framework over the next planning period.

Consequently, the Commission in consultation with the review team, drafted for the trial, a new Standards Framework with three heading levels instead of the previous five. The proposed headings are planning and evaluation, capacity building and resourcing, and programs and services.

The trial will provide opportunities for pilot agencies to comment further on the usefulness of the new headings.

### **Progression levels**

Under the existing Standards Framework, achieving a level depended upon satisfying every criteria to the required standard. If an agency fell short in just one or two areas, it was awarded the lower level, regardless of progress.

Although agency ratings or grades are never made public, but are internal to the agency and the Commission, several agencies expressed concern. A review of literature on similar models of performance assessment indicates that providing a range or continuum, rather than an absolute pass or fail, is generally a positive process which rewards continuing improvement and achievement of incremental results.

Furthermore, agencies said that the previous five Standards Framework levels required modification and a clear, logical sequence that would be more relevant. Through consultation with agencies, the five levels were streamlined into three levels.

Overall, agencies pointed out that the previous Standards Framework criteria were overly process oriented and that there was a lack of explanation about the outcomes that these criteria intend. The review worked with the Commission to develop a series of outcomes linked to criteria, which are being trialled in 2009.

### **Incorporating results based accountability**

An original aim of this review was to consider how a results based accountability (RBA) or managing for results model could apply to the EAPS Program. While managing for results is a recent global trend, there are many different ways this can be done in the public sector. The main characteristic of RBA is that it starts with the ends desired and works back, in steps, to the means by which an agency sees will take it there. Outcomes are defined first and activities follow. All methods, however, require extensive agency input to determine specific indicators to monitor for effectiveness or success. Development of indicators is a complex and time-consuming process, involving many staff. An essential element is seeking input from clients and/or consumers.

The review found a continuum of understanding among government agencies about RBA or managing for results and concluded that, in terms of EAPS, this was best addressed through the levels of the Standards Framework. Agencies which are more advanced in managing for results could identify the indicators appropriate for their agency to monitor, in consultation with the Commission. Level 3 (the highest) could incorporate the RBA concepts of benchmarking and using data and evidence to inform agency EAPS plans, strategies and services.

Results based accountability in EAPS would attempt to define and measure the effects and achievement of multicultural policy and programs for communities, groups and individuals.

**Recommendation 8 – Revise the Standards Framework to reflect the need for agencies to adopt an outcomes based approach and develop effective performance measures.**

## Data collection issues

Performance accountability is that part of results accountability concerned with how well agencies and programs perform against what they are seeking to achieve. One issue that confronts when applying RBA to EAPS is that the model requires goals that link to specifically allocated resources. This is no longer possible with global budgeting introduced in NSW some years ago, because this tracking of expenditure cannot always be achieved.

The proposed direction of the EAPS Program does entail greater sophistication in the development of performance indicators and benchmarks. This, in turn, has put the spotlight on ethnicity data collection practices in New South Wales Government agencies. During the review, a number of agencies pointed out inconsistencies in ethnicity data collection in their agency. Others pointed to the lack of a standard approach to ethnicity data collection across New South Wales Government agencies overall. Some agencies participating in the review wished to see the Commission take the lead in directing agencies to standardise the collection of ethnicity data.

In addition, officers in the agencies trialling the new draft EAPS Standards Framework stated they would need assistance in developing multicultural performance indicators and related data collection.

**Recommendation 9 – Prepare a discussion paper on data collection to assist consistent use of data across agencies.**

## EAPS management and technology

Positive comments were received about the Commission's website and the usefulness of its material. However, this material has not to date included regularly updated notices or instructions. As suggested in the White Paper, *Cultural Harmony: The Next Decade 2002-2012*, and in this review, electronic lodgement of EAPS was strongly supported by agencies and should be acted on by the Commission. For example, the use of drop-down menus in criteria for progression could assist agencies to streamline their reporting. An online facility would enable agencies also to confirm their EAPS reporting timelines and requirements.

**Recommendation 10 – Establish an EAPS online system for electronic lodgement of EAPS, and communication between the Commission and NSW agencies.**

## Resource handbook

Currently, a resource handbook for CEOs and senior managers is available on the Commission website. However, it will require revision with the recommended changes to the Standards Framework and the intended shift from retrospective reporting to forward planning.

The review considered it essential that a new resource handbook provide more detailed guidance on inter-agency undertakings and areas of innovation, such as program evaluation, cultural diversity training, consumer feedback, and the use of technology in multilingual information dissemination. Consideration should be given also to launching the revised handbook with the new wave EAPS.

The review concurs with the White Paper, *Cultural Harmony: The Next Decade 2002-2012*, on the need for a practitioners resource handbook, or at least a practitioners section in the resource handbook. During the review, agencies expressed the need for a resource that would define clearly what was sought under each of the Standards Framework criteria, how to go about developing EAPS activities, current strategies adopted by agencies in EAPS areas, and best practice models.

During the review, a number of changes in agency practice and emerging issues were raised which participants felt needed to be addressed in the Standards Framework and the practitioners resource.

## ***EAPS implementation structures***

The review thought the resource handbook should address structures appropriate to carrying forward EAPS implementation. For example, to avoid isolation and the perception of burden, it is thought that agencies, when possible, should form a team rather than making one individual responsible for implementing and monitoring EAPS. A team approach, supported by senior managers, tends to be more effective. This need not be a dedicated team, but rather a team that includes EAPS in its other roles, and preferably from different sections of the agency. The team could have scheduled meetings, terms of reference, a clear annual work plan, and be chaired by a senior manager with CEO support.

It was thought that the level of staff involved in EAPS needs to be strategically considered by each agency and the handbook should include a discussion on the advantages of a team approach to EAPS.

## ***Community consultation and consumer feedback***

A key aspect of making planning more responsive to cultural diversity is having a comprehensive understanding of the nature of that diversity. Before any agency can adequately plan policies and services to meet the needs of the community, information must be gathered on who the community is and its needs. In terms of developing concrete strategies for the future, EAPS needs to make a clear difference between community consultation and gaining consumer or customer feedback.

It is important that agencies consider best practice methods to reach culturally and linguistically diverse groups when consulting and seeking consumer feedback. As a great deal of expertise exists already in some agencies and the Commission on how best to reach diverse communities, an interagency forum is suggested to further explore and record different strategies and best practice in these areas.

The revised Standards Framework and new resource handbook should address emerging issues raised by agencies, such as new technologies of automated telephone answering services which are causing problems for clients with limited English. Other technologies such as multilingual software systems are useful for clients with limited English, providing they have access to a computer and the internet.

Agencies will need to develop specific strategies to deal with these emerging issues which should reflect as actions in the revised Standard Framework and practitioners resource.

It was suggested that when there is overlap with EAPS and Equal Employment Opportunity (EEO) reporting, such as the Community Language Allowance Scheme or designated positions, agencies can avoid duplication by reporting them through the EEO process in the annual report to Parliament, with a cross reference in the agency's EAPS report.

Development of a new resource handbook is an opportunity to provide guidelines to all New South Wales Government agencies on how to most effectively report on their EAPS activities in their annual report to Parliament.

**Recommendation 11 – Publish for CEOs, senior managers and EAPS practitioners a new resource handbook which includes changes to EAPS, the revised Standards Framework and suggested EAPS strategies.**

## Key terminology

As discussed, agencies need to collect consistent information for disaggregation of data to allow analysis and action on issues relating to language, culture and religion. In the consultative meetings, participants raised concerns about inconsistencies in the use of language in EAPS documents and the absence of definitions or sufficient explanation of terms in the EAPS Standards Framework. Development of a new resource handbook is a good opportunity to review the use of language in EAPS and outline multicultural terminology preferred by the New South Wales Government.

**Recommendation 12 – Provide definitions of key terminology related to EAPS in the new EAPS resource handbook and other information.**

## Inter-departmental EAPS development and implementation

A number of discussions in EAPS review meetings included how departments and authorities could work together on complex multicultural issues which would involve co-operation between several agencies and joint planning and implementation over one or several years.

An emphasis on EAPS forward planning would enable a shift from quick, or ad hoc, interagency responses to crisis situations and to a more strategic approach.

A number of agencies made a plea for a whole-of-government EAPS planning approach to major issues, eg. Pacific youth (involving education, employment, legal and incarceration issues, leisure, family, etc).

It was suggested to establish an innovation fund for whole-of-government action on key themes that are the core business of agencies. It was argued also that small seeding grants to agencies could provide impetus for joint action that would make a difference.

The review considered that the agreement provision in the *Community Relations Commission and Principles of Multiculturalism Act 2000* could be an effective way to formalise interagency EAPS undertakings.

The review also considered the complaints area that is pertinent to agencies, such as the NSW Ombudsman and the Health Care Complaints Commission that deal largely with complaints about other agencies and, in the past, have found it harder to fit with the EAPS reporting framework. These agencies collate important information that may help other agencies better address complaints or concerns. For example, a health consumer may complain about inappropriate or incorrect treatment relating to language and communication, but unless language and other data are recorded, systematic identification of problems and solutions is not possible.

The review suggests that in such cases, an agreement may be useful to determine the most useful form of complaints reporting, enabling the use of data on diversity indicators by other agencies.

**Recommendation 13 – Initiate inter-agency EAPS planning to address issues requiring joint planning.**

## State-wide EAPS indicators

One suggestion was that the NSW Government consider introducing a Bill of Rights, similar to Victoria, to enhance state-wide commitment to multiculturalism and diversity. It was felt that this broad commitment was not reflected in the NSW State Plan. The review observed that extensive consultation would be required to establish the desirability or effectiveness of this measure.

Suggestions were made also about the desirability of defining a set of state-wide outcomes, or indicators, for EAPS as these did not feature in the NSW State Plan. It was argued that these state-wide indicators could give CEOs and senior management a clearer picture of the government's goals and targets for New South Wales and would support inter-departmental EAPS planning.

These suggestions that aim to give EAPS goals a higher profile merit further consideration. However, taking into account the diversity of New South Wales agency business, the review considered the possibility and benefits of developing state-wide EAPS indicators would require further research.

**Recommendation 14 – Undertake a study to explore the feasibility of defining state-wide EAPS outcomes/benchmarks, including those for regional areas.**

## Conclusion

The EAPS program was conceived as a mechanism to change the attitude of bureaucracy towards the provision of services to better meet the needs of a diverse population. It was the first example of such a strong governance model for multiculturalism in Australia and globally, and has had bipartisan support from successive governments.

This review concludes that EAPS is still a strong governance model for multiculturalism, access, equity and participation strategies across the NSW public sector. The EAPS Program and its Standards Framework have provided more stringent accountability measures for public agencies to review progress and report to Parliament through the Commission, as the lead agency.

Achievements include a wide range of modified mainstream and multicultural programs and services within state government agencies, widespread use of language services, multilingual information material, and identified positions for culturally and linguistically diverse staff to meet the needs of community groups. Without the introduction of a formal and legislative reporting base, it is the review's view that such progress would not have been made.

Although the introduction of the Standards Framework in 1998 has encouraged consistent reporting and benchmarking across its five core activity areas, it is evident that EAPS operation needs considerable renewal. In particular, greater emphasis should be placed in the program on forward planning and the Standards Framework needs review and re-structuring to ensure better sequencing of its criteria.

While this review is not an outcome evaluation of the EAPS Program or the Standards Framework, it is concluded that EAPS is the most effective example of multicultural governance that was reviewed internationally and within Australia.

# Appendices

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## APPENDIX A: EAPS KEY AGENCIES 2008

In December 2008, there were 18 EAPS key agencies in New South Wales

- Attorney-General's Department
- Department of Ageing, Disability and Home Care
- Department of the Arts, Sport and Recreation
- Department of Commerce
- Department of Community Services
- Department of Corrective Services
- Department of Education and Training
- Housing New South Wales
- Department of Juvenile Justice
- Department of Local Government
- Department of State and Regional Development
- Health Care Complaints Commission
- Legal Aid Commission of NSW
- New South Wales Police Force
- NSW Department of Health and Area Health Services
- NSW Ombudsman
- Roads and Traffic Authority of NSW
- WorkCover Authority

## Appendix B: EAPS milestones

- 1977** - NSW Ethnic Affairs Commission formed to review and write a report on access issues pertaining to people from non-English speaking backgrounds.
- 1978** - *Participation Report* released, following the NSW government's review into the needs of people from non-English speaking backgrounds in New South Wales.
- 1979** - The Ethnic Affairs Commission of NSW formally established under the *Ethnic Affairs Commission Act 1979*.
- 1983** - The Premier established the Ethnic Affairs Policy Statement (EAPS) Program. All NSW public sector agencies are required to develop an EAPS, comprising a retrospective and a forward component, and submit it to the then Ethnic Affairs Commission.
- 1986** - Local Government Ethnic Affairs Policies Statements developed and piloted in five local government areas.
- 1990** - The Ethnic Affairs Commission produced the Ethnic Affairs Policy Statement (EAPS) Program Strategic Plan which contains a set of EAPS goals and performance measures for the whole NSW government sector.
- 1993** - Under the *Charter of Principles for a Culturally Diverse Society*, all NSW public sector agencies were required to prepare Statements of Intent, and the four *Principles of Cultural Diversity* became State policy.
- 1996** - Following the NSW Government's review of ethnic affairs, the *Ethnic Affairs Action Plan 2000*, was released. The plan defines the government's three key result areas as: social justice, community harmony, and economic and cultural opportunities.
- 1997** - As part of the 1996 review of ethnic affairs, the *Ethnic Affairs Commission Amendment Act* was proclaimed in 1997. The amendments enshrined the four principles of cultural diversity in state law, strengthened EAPS obligations on NSW public sector agencies, and enhanced the powers and responsibilities of the then Ethnic Affairs Commission. The NSW Government re-introduced the Ethnic Affairs Priorities Statement (EAPS) Program.

The Premier released Memorandum No 97-7, which stated that all NSW agencies were required to prepare an EAPS. They were also required to include a statement on their EAPS progress in their annual report, by authority of the (1997) Regulations under the Annual Reports Acts.

The first Ethnic Affairs Report 1997 on the status of ethnic affairs and EAPS outcomes in New South Wales was prepared by the Ethnic Affairs Commission for tabling in Parliament as required under section 17, of the *Ethnic Affairs Commission Amendment Act 1996*.

- 1998** - The EAPS Standards Framework was implemented. For the first time, the NSW Government could benchmark EAPS progress across the public sector in five core activity areas: planning and evaluation, program and service delivery, staffing, communication, and funded services. This framework also provided the government with an objective measurement of agency EAPS performance over time. From 1998, key agencies were required to submit annual EAPS retrospective reports to the Commission against the Standards Framework criteria.
- 2001** - The *Community Relations Commission and Principles of Multiculturalism Act 2000* was enacted. The Community Relations Commission For a multicultural New South Wales was created, with greater responsibility for the EAPS Program. The Act requires the Commission "...to assist, and assess the effectiveness of, public authorities in observing the principles of multiculturalism in the conduct of their affairs, particularly in connection with the delivery of government services".
- 2002** - The Premier released the Green Paper, *Cultural Harmony: The Next Decade 2002 – 2012*, which evaluated the Ethnic Affairs Action Plan 2000. Based on this evaluation, 46 recommendations were proposed, some of which relate to the future direction of the EAPS Program.
- 2004** - The Premier released the White Paper, *Cultural Harmony: The Next Decade 2002-2012*, which defines EAPS and aligns the principles of multiculturalism with New South Wales key objectives of: leadership, community harmony, access and equity, and economic and cultural opportunities.
- 2008** - To assist local councils to implement the principles of multiculturalism, required by the *Community Relations Commission and Principles of Multiculturalism Act 2000*, a kit and planning framework was released for use by local councils.

## APPENDIX C: SUMMARY OF SEARCH STRATEGY: DATABASES, SEARCH TERMS AND RESULTS

Database name	Multi culturalism	Multi cultural	Multi-cultural policy	Multicultural and policy	Ethnic affairs	Diversity	Cultural diversity	Cultural diversity policy	Managing cultural diversity	Social policy
APAIS	3211	1376	16	208	327	1151	238	1	0	6139
ASSIA:	08	1038	6	71	3	12944	451	1	2	4713
CINAHL	136	928	3	41	0	6087	3278	0	8	580
Expanded ASAP	1484	4636	64	315	17	29281	1540	33	17	33655
Libraries Australia	6074	14769	1340	1208	4609	18342	3681	432	205	61740
MAIS	5407	10741	181	3249	3303	3264	2374	23	12	557
PAIS:	327	375	5	101	12	11387	144	0	0	14773
Proquest sSoc sSci	6201	7599	131	879	94	37148	3674	936	111	21018
PsychInfo	5368	18269	57	4825	43	52986	8486	0	158	15443
Soc services abstracts	322	1511	6	505	5	12682	774	0	1	11677
Social work abstracts	151	262	1	22	1	721	96	0	0	1065
Sociological abstracts	3229	5000	69	1521	40	23421	1756	1	19	14904

## APPENDIX D: COMPARATIVE MULTICULTURAL GOVERNANCE IN AUSTRALIA 2008

	Legislation	Structure	Responsibility	Policy	Accountability requirement	Reporting and assessment type
New South Wales	Community Relation Commission and Multiculturalism Act 2000, Annual Reports (Departments) Act 1985 Annual Reports (Departments) Regulation 2005	Community Relations Commission For a multicultural NSW	Minister for Citizenship	Multicultural	EAPS	Mandatory reporting and assessment approach prescribed
Queensland	Financial Administration and Audit Act 1977	Multicultural Affairs Queensland	Minister for Communities, Disability Services, Aboriginal and Torres Strait Islander Partnerships, Multicultural Affairs, Seniors and Youth	Multicultural	Annual report to Parliament	Discretionary
South Australia	South Australian Multicultural and Ethnic Affairs Act 1980	Multicultural South Australia	Attorney-General	Multicultural	Not specified	Discretionary
Tasmania	n/a	Multicultural Tasmania	Premier	Multicultural	Not specified	Discretionary
Victoria	Multicultural Victoria Act 2004	Victorian Office of Multicultural Affairs	Minister for Multicultural Affairs	Multicultural	Annual reporting to Minister	Mandatory reporting assessment approach discretionary
Western Australia	n/a	Office of Multicultural Interests	Minister for Communities, Disability Services, Aboriginal and Torres Strait Island Partnerships, Multicultural Affairs, Seniors and Youth	Citizenship	Statistical	Discretionary
Northern Territory	n/a	Department of the Chief Minister	Chief Minister	Multicultural	Not specified	Discretionary
Australian Capital Territory	n/a	Office of Multicultural and Community Affairs	Minister for Multicultural Affairs	Multicultural	Not specified	
Commonwealth Government	n/a	Department of Immigration and Citizenship. Social Inclusion Board, Department of Prime Minister and Cabinet	Minister for Immigration and Citizenship. Minister for Social Inclusion	Citizenship and Social Inclusion	Charter of Public Service in a Culturally Diverse Society (2008)	Discretionary

## APPENDIX E: COMPARATIVE MULTICULTURAL GOVERNANCE IN CANADIAN PROVINCES

	Legislation	Structure	Responsibility	Policy	Accountability requirement	Reporting and assessment type
Alberta	Human Rights, Citizenship and Multiculturalism Act 1996	Alberta Human Rights and Citizenship Commission Multiculturalism Advisory Council	Minister of Community Development	Multiculturalism	s 16(1) (e) Human Rights, Citizenship and Multiculturalism Act 2000	Discretionary
British Columbia	Multiculturalism Act 1993	Multicultural Advisory Council	Minister Responsible for Multiculturalism	Multiculturalism	Advisory reporting on multicultural issues	Discretionary
Manitoba	Manitoba Multiculturalism Act 1992. Manitoba Ethnocultural Council Advisory and Advocacy Council Act 2001	Manitoba Ethnocultural Advisory and Advocacy Council	Minister Responsible for Multiculturalism	Multiculturalism	Annual reporting on implementation of policy, and Ministerial reporting to Parliament	Mandatory Form
New Brunswick	n/a	Advisory Committee to the Minister	Minister of Post-Secondary Education and Training	Multiculturalism	Advisory reporting	Discretionary
Newfoundland and Labrador	n/a	n/a	n/a	n/a	n/a	n/a
Nova Scotia	Act to Promote and Preserve Multiculturalism	Multicultural Advisory Committee	Cabinet Committee on Multiculturalism	Multiculturalism		
Ontario	Ministry of Citizenship and Culture Act 1990	Ministry of Citizenship and Immigration	Minister of Citizenship and Immigration	Citizenship		
Prince Edward Island	n/a	Ministerial Advisory Committee	Minister of Community and Cultural Affairs	Multiculturalism	Advisory reporting	Discretionary
Quebec	Ministere de l'Immigration et Communautés Culturelles Act	Council of Intercultural Relations	Minister of Immigration and Cultural Communities	Interculturalism		
Saskatchewan	Multiculturalism Act 1997	Ministerial member of the Executive Council	Minister of Culture, Youth and Recreation	Multiculturalism	Annual reporting on implementation of policy	Discretionary
Federal	Department of Multiculturalism and Citizenship Act 1991. Canadian Charter of Rights and Freedoms	Department of Multiculturalism	Minister of Citizenship and Immigration	Multiculturalism	Submission on the Operation of the Canadian Multicultural Act	

## APPENDIX F: AGENCY VIEWS ON PROBLEMATIC FEATURES OF EAPS

Problem areas	Themes	Comments and agency views expressed
<b>1. Effectiveness</b>	Strategy and planning	<ul style="list-style-type: none"> <li>• EAPS undermines strategy formation. Planning becomes confused with organising things, and filling in forms, rather than strategic thinking. Time and resources spent on filling in reporting requirements, rather than on strategy formation.</li> </ul>
	Creativity and innovation	<ul style="list-style-type: none"> <li>• The approach does not support reflective learning. It focuses too much on description, not enough on analysis. Limits creativity in developing new ways of doing things, agencies are afraid of making mistakes, we need to share our conundrums.</li> </ul>
	Addressing complexity	<ul style="list-style-type: none"> <li>• There is a danger that it is irrelevant and formulaic in approach, not responsive. More sophisticated responses are required to address complexity of multicultural service delivery.</li> </ul>
	Compliance, not change	<ul style="list-style-type: none"> <li>• Agencies can manipulate data in order to comply, without actually contributing with good multicultural practice. EAPS does not address client or consumer complaints – these can be a good indicator of problems within the agency.</li> </ul>
	Policing is ineffective	<ul style="list-style-type: none"> <li>• The Commission has no real teeth to enforce change. The actual legal requirements are minimal.</li> <li>• There is no transparency about the Commission’s ‘policing’ role.</li> <li>• The big stick does not work. It is not seen to have consequences. We do not make the big stick a big part of our message, persuading is better to get change.</li> <li>• Resources make a difference, not policing.</li> <li>• Statutory status provides a basis for argument.</li> </ul>
	Promoting organisational	<ul style="list-style-type: none"> <li>• There were different opinions whether EAPS was effective in promoting organisational change. These are listed below: <ul style="list-style-type: none"> <li>• an effective tool for advocacy and encouraging managerial accountability and performance</li> <li>• limited in its impact because it is system, not outcomes focused</li> <li>• it is just a reporting tool – it does not structure the planning of activities or content of our work</li> <li>• disproportionate amount of effort for the effect that actually occurs</li> <li>• it is an inadequate tool for self assessment or for identifying problems. There are problems in the organisation that do not show up in the framework. The complexity of report format prevents senior managers from identifying specific needs.</li> </ul> </li> </ul>

Problem areas	Themes	Comments and agency views expressed
<p><b>2. EAPS Standards Framework</b></p>	<p>Effectiveness as a self-assessment and monitoring tool</p>	<ul style="list-style-type: none"> <li>• EAPS as a big stick enables us to collect some data.</li> <li>• Complexity of format prevents senior managers from identifying specific needs in the report and responding.</li> <li>• It is an inadequate tool for self-assessment and adequately identifying problems – there are problems in the organisation that the Multicultural Coordinator is aware of that do not show in the framework, and there is nowhere in the tool where they can make a self assessment.</li> </ul>
	<p>Link to multicultural policies and services in agencies</p>	<ul style="list-style-type: none"> <li>• Gaps in the framework: some critical issues in multicultural service delivery are not included.</li> <li>• Lack of integration with mainstream planning and reporting requirements. All other reporting is aligned with the state plan targets, but this is not tied into the EAPS Standards Framework.</li> <li>• Does not reflect other key multicultural policies and processes in some agencies that determine multicultural action, eg. cultural diversity and community relations policy, multicultural education.</li> <li>• The framework does not reflect current philosophy of the Commission which has adopted a mainstream approach to promoting community harmony. It is no longer about ethnic diversity. Although the Commission changed from the Ethnic Affairs Commission in name, the EAPS Standards Framework stayed the same.</li> <li>• The EAPS framework does not incorporate literature on best practice.</li> </ul>
	<p>Activity areas</p>	<ul style="list-style-type: none"> <li>• Activity areas are not appropriate for all agencies. Content of framework is not relevant to all sectors.</li> <li>• Particular activity areas are often not relevant to the work of many agencies, eg. funded services.</li> <li>• Activity areas are less applicable to organisations or departments that do not provide a direct community service.</li> <li>• The relevance of the Standards Framework declines within an organisational environment of restructure.</li> <li>• Some critical multicultural issues that need to be addressed are not represented in the Framework.</li> </ul>
	<p>Indicators</p>	<ul style="list-style-type: none"> <li>• Does not address the complexity of multicultural service delivery – it is system, not outcomes focused.</li> <li>• Indicators or targets can restrict practice where this is not relevant, eg. the advertising target is not relevant in science and medical research.</li> <li>• Indicators do not reflect current best practice or mainstream plans.</li> <li>• Agencies may find it difficult to find appropriate measures for specified indicators.</li> </ul>
	<p>Levels</p>	<ul style="list-style-type: none"> <li>• Agencies may not have the ability to advance in the levels because they are small or lack resources.</li> <li>• Inappropriate assignment of levels: some of the specific indicators which indicate attainment of higher levels of performance are sequenced out of order to the way that they naturally need to be achieved.</li> <li>• Scoring is not effective in achieving what it was meant to achieve: CEOs do not necessarily appreciate the meaning of the scores, CEOs are high achievers and love to score well.</li> <li>• Scoring system is demoralising.</li> <li>• The numerical rating system is limited in its ability to reflect their work.</li> </ul>

Problem areas	Themes	Comments and agency views expressed
<b>3. Agency planning</b>	<p>Tailoring EAPS</p> <p>Information support</p>	<ul style="list-style-type: none"> <li>Developing performance measures for their organisation is very time consuming.</li> <li>Tailoring the EAPS Framework to their local context and planning and reporting systems is time consuming. Agencies translate the Framework so that there is a match between the EAPS Standards Framework and their own effective practice framework. They have to do a lot of mixing and matching from their own reporting systems to fill in the EAPS forms.</li> <li>Developing your own indicators and performance measures to justify achievement is time consuming.</li> <li>There is a lack of information about evidence based practice. Expert opinion is not sufficient.</li> </ul>
<b>4. Agency reporting and assessment</b>	<p>Poor fit for some</p> <p>Framework does not help address community needs</p>	<ul style="list-style-type: none"> <li>At a practical level, organisations have difficulty representing their activities within this framework: it is like fitting square pegs into round holes. They have difficulty providing relevant and appropriate examples.</li> <li>Incompatibility with other reporting systems: program information needs to be manually pulled out of databases, and inserted into EAPS.</li> <li>I still don't think it is addressing the needs of some of the communities that are out there.</li> <li>Tool does not drive responsiveness to new needs in the community.</li> <li>We need a whole-of-government approach to issues such as newly emerging African communities, or even for youth from some communities that are experiencing more problems than others.</li> <li>EAPS should focus on community harmony.</li> </ul>
<b>5. Perceived fairness</b>	<p>Reporting burden</p> <p>Communication with the Commission</p>	<ul style="list-style-type: none"> <li>Agencies have limited resources to address the multiple reporting requirements placed on them. There have been increased reporting requirements with no new staffing to help meet these obligations.</li> <li>Level of reporting required is resource intensive and inappropriate. There is an inappropriate amount of work for the reward.</li> <li>Time, resources required for an audit are particularly intensive.</li> <li>Miscommunications can occur in relaying the information to the Commission.</li> <li>Perception of inconsistency in the Commission's responses to their reports.</li> <li>Increased dialogue with the Commission is needed to increase accuracy in their assessment.</li> <li>Some agencies believed that the selected highlights were not representative, or indicated that they did not know what the Commission did politically or strategically with the information.</li> </ul>

Problem areas	Themes	Comments and agency views expressed
	Inappropriate measures	<ul style="list-style-type: none"> <li>The framework does not reflect the activities of some agencies.</li> </ul>
	Inappropriate accountabilities	<ul style="list-style-type: none"> <li>EAPS officers can be held accountable, rather than management itself.</li> <li>When agencies are involved in indirect work, rather than direct work, it is not appropriate to hold them accountable for outcomes. Some agencies get a low score for indicators (referring to Standards Framework criteria) because they are not applicable to their organisation.</li> <li>Auditing services before they have had a chance to implement their EAPS is not fair.</li> </ul>
	Resource limitations	<ul style="list-style-type: none"> <li>Lack of resources to achieve or perform appropriately.</li> <li>Small agencies are disadvantaged because they have to put a disproportionate amount of resources into EAPS to achieve performance.</li> </ul>
	Weighting of scores	<ul style="list-style-type: none"> <li>The scoring is not weighed correctly – we have sufficiently addressed things but this is not reflected in the scores. For example, giving equal weight to each of the five areas does not necessarily reflect the work of the agency.</li> </ul>
6. Commission's agency support role	Inability to be compliant	<ul style="list-style-type: none"> <li>Conflicting mandates can prevent an agency being compliant. For example, annual reports may not be able to be released within the specified time period because they are not approved by management.</li> </ul>
	Resourcing	<ul style="list-style-type: none"> <li>Not resourced enough, too small to do the job of policing and support, advice to other agencies. Limited support, feedback, guidance – we need somewhere to exchange ideas, energy and enthusiasm. Unclear role for the Commission – if they are to assist and also judge.</li> </ul>

## APPENDIX G: AGENCY SUGGESTIONS FOR CHANGE TO EAPS



Suggestions	Possible actions	Specific suggestions from agencies
<p>1. Modify the existing framework and reporting systems</p>	<p>Introduce agency specific procedures</p> <p>Introduce sector-based approaches</p> <p>Change level/ranking system</p>	<ul style="list-style-type: none"> <li>Agencies could agree with the Commission on which elements of Standards Framework are relevant, areas where they have capacity to improve, strategies/actions under their corporate objectives, monitoring mechanisms and performance indicators.</li> <li>Identify realistic levels of improvement for each agency.</li> <li>Link EAPS into agencies' core objectives and goals.</li> <li>Activity areas and performance indicators are not relevant to agencies that do not provide a direct service. Agencies that resource or do work in partnership with other agencies in the community rely on these agencies to get stipulated outcomes. Their EAPS reports need to be modified.</li> <li>Remove levels in favour of qualitative approaches to assessment which reflect the complexity of their work.</li> <li>Enable graded responses, rather than scores.</li> <li>Develop agency-specific reporting indicators in consultation with the Commission.</li> <li>Increase Commission-agency interaction in assessing agency performance.</li> </ul>
<p>2. Reduce burden of reporting</p>	<p>Simplify reports</p> <p>Joint Commission-agency reporting processes</p> <p>Audit agencies less frequently</p>	<ul style="list-style-type: none"> <li>Simplify reporting and reduce detail.</li> <li>Introduce a single reporting requirement, eg. submit the agency's annual report to the Commission which includes this information in their own annual report.</li> <li>Introduce electronic forms of reporting. Work toward compatibility of reporting systems so that information sharing can be streamlined.</li> <li>Have a joint Commission-agency process which requires less paper reporting on behalf of the agency.</li> <li>Auditing is extremely resource intensive. Require key agencies to audit themselves less frequently, provided that they demonstrate they have a plan.</li> </ul>



Sugestions	Possible actions	Specific suggestions from agencies
3. Support innovation and best practice	<p>Support innovation</p> <p>Introduce systems to improve morale</p>	<ul style="list-style-type: none"> <li>• Offer seed funding to encourage innovation. This would provide time for this to occur, and support creativity in an environment where agencies are afraid to make mistakes.</li> <li>• Offer recognition for best practice.</li> <li>• Use reward systems to improve morale.</li> </ul>
4. Increase Commission support for agencies	<p>Improve clarity of communication about EAPS</p> <p>Adequately resource agencies to meet EAPS requirements</p> <p>Improve Commission-agency dialogue</p> <p>Enhance advice and information services</p> <p>Create forums for interagency support</p>	<ul style="list-style-type: none"> <li>• Communicate the objectives of the EAPS Program.</li> <li>• Define terminology.</li> <li>• Resource agencies to administer and report on EAPS. Resource agencies to implement EAPS strategies and improve performance.</li> <li>• The Commission provides qualitative and progressive feedback on performance.</li> <li>• The Commission gives ongoing input into the forward planning.</li> <li>• Establish or standardise data collection across agencies.</li> <li>• Provide information on culture, needs, demographics.</li> <li>• Provide information on best practice.</li> <li>• Support agency dialogue for skills and information sharing.</li> <li>• Create an online forum for information sharing.</li> </ul>
5. Adopt forward planning and outcome approaches to planning	Stipulate priority action areas for agencies	<ul style="list-style-type: none"> <li>• Adopt a forward planning perspective, where the Commission asks agencies to address 2-5 discrete project priority areas or projects in 1-5 years.</li> <li>• Focus on culturally and linguistically diverse groups that are particularly disadvantaged, rather than all of them, because not all culturally and linguistically diverse groups are disadvantaged (as per Friedman's approach).</li> </ul>



Suggestions	Possible actions	Specific suggestions from agencies
	Integrate EAPS reporting into mainstream planning and reporting systems	<ul style="list-style-type: none"> <li>• Dovetail EAPS report into the State Plan and agency state plans and reporting mechanisms. Currently the multicultural agenda is omitted from the State Plan. The two sets of plans and reporting systems are separate.</li> <li>• Integrate Standards Framework with KRAs and measure achievements based on agreed KRA outcomes tailored to a department's core business.</li> </ul>
6. Collaborative action on multicultural issues	Introduce strategies to proactively address priority multicultural issues	<ul style="list-style-type: none"> <li>• Encourage cross-agency collaboration on critical or prioritised multicultural issues by:               <ul style="list-style-type: none"> <li>• forming agency clusters with a lead agency responsible for driving things forward</li> <li>• restructure the NSW Immigration Committee, a whole-of-government settlement committee, to address key state government issues</li> <li>• develop a framework for dialogue and working together around key issues and priorities</li> <li>• introduce higher level (inter-agency) action plans that sit above the EAPS plans.</li> </ul> </li> </ul>
7. Other suggestions	Introduce a bill of rights for NSW  Use existing accreditation processes  Take a whole of diversity approach	Introduce a bill of rights to support and bolster EAPS, in a similar way to Victoria.  Integrate multicultural requirements into accreditation processes, as this is effective in holding people accountable.  Integrate a whole of diversity approach into the framework.

# APPENDIX H - THE EAPS STANDARDS FRAMEWORK

GENERIC LEVEL DESCRIPTION	ACTIVITY AREAS				Funded Services
	Planning & evaluation	Program & service delivery	Staffing	Communication	
<p>Some resources are committed to the process. Managerial responsibilities are assigned.</p> <p>Agency has an EAPS plan and can demonstrate awareness of its basic responsibilities.</p>	<p><b>Agency has achieved the previous level and:</b></p> <p>2.1 Has some organisational units allocating funds for EAPS initiatives.</p> <p>2.2 Collects some ethnicity data on clients.</p> <p>2.3 Requires some managers to take responsibility for implementing ethnic affairs initiatives.</p> <p>2.4 Undertakes staff consultations to inform EAPS planning.</p>	<p><b>Agency has achieved the previous level and:</b></p> <p>2.1 Undertakes ad hoc consultations with ethnic community groups.</p> <p>2.2 Has some ethnic community representation on agency boards and committees.</p> <p>2.3 Modifies some programs and services to make them accessible to larger ethnic communities.</p>	<p><b>Agency has achieved the previous level and:</b></p> <p>2.1 Includes a reference to EAPS requirements for all relevant positions.</p> <p>2.2 Has included cross-cultural training components in most relevant training areas.</p> <p>2.3 Pays CLAS to some staff if they apply for it.</p>	<p><b>Agency has achieved the previous level and:</b></p> <p>2.1 Undertakes translation of information documents in languages based on NSW ABS data.</p> <p>2.2 Makes CLAS available to staff and circulates a list of CLAS recipients.</p> <p>2.3 Occasionally uses professional on-site interpreters.</p> <p>2.4 Translates advertisements for accuracy and consistency prior to placement.</p>	<ul style="list-style-type: none"> <li>• Grants to communities</li> <li>• Contracted services</li> </ul>
	<p><b>Agency:</b></p> <p>1.1 Has a corporate plan which makes mention of cultural diversity as a feature of the service environment.</p> <p>1.2 Has an EAPS plan, and reports on it in annual report.</p> <p>1.3 Circulates information about both the report and plan to staff.</p>	<p><b>Agency:</b></p> <p>1.1 Has some individuals on agency boards and committees who are members of ethnic communities.</p> <p>1.2 Programs and services address the needs of the mainstream community, with little further targeting of ethnic communities.</p>	<p><b>Agency:</b></p> <p>1.1 Includes a reference to relevant EAPS requirements for some positions in recruitment advertisements.</p> <p>1.2 Includes a segment on cross-cultural issues in some training programs (mainly for client contact).</p> <p>1.3 Uses the bilingual skills of staff on an informal basis.</p>	<p><b>Agency:</b></p> <p>1.1 Produces all formal documents in English only.</p> <p>1.2 Occasionally and informally uses bilingual staff for client communication.</p> <p>1.3 Meets its 7.5% non-English advertising quota without multilingual production.</p>	<p><b>Agency:</b></p> <p>1.1 Includes cultural diversity considerations in the documentation for funded or contracted services.</p>

GENERIC LEVEL DESCRIPTION	ACTIVITY AREAS				OUTCOME ASSESSMENT	
	Planning & evaluation	Program & service delivery	Staffing	Communication		
<p>Reporting systems enable the agency to identify discrete activity areas and the resources committed to them.</p> 	<ul style="list-style-type: none"> <li>• Planning</li> <li>• Data and research</li> <li>• Resources</li> </ul> <p><b>Agency has achieved the previous level and:</b></p> <p>3.1 EAPS planning flows directly from the overall corporate plan.</p> <p>3.2 EAPS planning ensures that demographic and client data is collected, and that it influences resource allocation and regional priorities.</p> <p>3.3 Ensures that key managers (training, research, evaluation) have clear accountabilities for ethnic affairs which are incorporated into their workplans. Has ethnic affairs responsibilities integrated into SES agreements.</p>	<ul style="list-style-type: none"> <li>• Consultation</li> <li>• Participation</li> <li>• Services and programs</li> </ul> <p><b>Agency has achieved the previous level and:</b></p> <p>3.1 Organises planned consultations with ethnic communities and clients.</p> <p>3.2 Actively seeks ethnic community representation on boards and committees. The agency has developed guidelines for membership and has advertising strategies to seek representation from ethnic communities.</p> <p>3.3 Uses the outcomes of data analysis and research in the design and evaluation of services for the needs of linguistically and culturally diverse communities.</p> <p>3.4 Institutes a data collection process for service usage and program relevance.</p>	<ul style="list-style-type: none"> <li>• Recruitment</li> <li>• Training</li> <li>• CLAS</li> </ul> <p><b>Agency has achieved the previous level and:</b></p> <p>3.1 Includes ethnic affairs requirements in all relevant position descriptions, staff selection training and recruitment and selection guidelines.</p> <p>3.2 Includes cross-cultural issues in all relevant training programs. Staff in public contact, policy and management positions are required to participate in such training.</p> <p>3.3 Promotes CLAS within the agency as a means of communicating with non-English speaking clients.</p>	<ul style="list-style-type: none"> <li>• Publicity</li> <li>• Client communication</li> </ul> <p><b>Agency has achieved the previous level and:</b></p> <p>3.1 Undertakes translation of information documents, based on collected client data.</p> <p>3.2 CLAS program is fully implemented and reviewed regularly.</p> <p>3.3 Has an interpreting budget and circulates guidelines on interpreter use.</p> <p>3.4 Screens and tests publicity materials for cultural appropriateness.</p> <p>3.5 Uses a range of information media based on client research.</p>	<ul style="list-style-type: none"> <li>• Grants to communities</li> <li>• Contracted services</li> </ul> <p><b>Agency has achieved the previous level and:</b></p> <p>3.1 Incorporates ethnic affairs considerations in all funding processes including selection, language, appropriate promotion, assessment and monitoring.</p> <p>3.2 Requires the provision of language services to be built into funding agreements.</p> <p>3.3 Requires the specification of performance indicators relating to cultural diversity in contracts.</p> <p>3.4 Collects relevant ethnicity data to inform funding decisions.</p>	<p><b>Agency can demonstrate systematic progress in improving outcomes for ethnic communities.</b></p> 

GENERIC LEVEL DESCRIPTION	ACTIVITY AREAS				OUTCOME ASSESSMENT	
	Planning & evaluation	Program & service delivery	Staffing	Communication	Funded Services	
<p><b>Agency delivers and evaluates appropriate programs in accordance with EAPS objectives.</b></p> 	<p><b>Agency has achieved the previous level and:</b></p> <p>4.1 Has aligned its EAPS planning with the corporate planning process. Individual divisional plans include ethnic affairs planning.</p> <p>4.2 Client data, research and consultation directly influence design and funding of ethnic affairs initiatives.</p> <p>4.3 Ethnic affairs issues are a key feature of monitoring and evaluation processes.</p>	<p><b>Agency has achieved the previous level and:</b></p> <p>4.1 Has policy and planning documents which reflect the expectation that ethnic communities will contribute to planning and evaluation processes through informed participation and representation at all levels.</p> <p>4.2 Has put in place participation forums which contribute to the design and implementation of program and service delivery.</p> <p>4.3 Takes account of the needs of special needs groups (eg refugees, survivors of torture and trauma, isolated communities) in program design, delivery and evaluation.</p>	<p><b>Agency has achieved the previous level and:</b></p> <p>4.1 Ensures that training in cross-cultural issues is incorporated within other functional training and is regularly evaluated and revised.</p> <p>4.2 Uses the CLAS program as an active strategy in meeting the communications needs of non-English speaking clients.</p>	<p><b>Agency has achieved the previous level and:</b></p> <p>4.1 Makes communications decisions and targets languages based on client group analysis and issue relevance.</p> <p>4.2 Has clear guidelines which are circulated on a full range of spoken language strategies including CLAS, on-site interpreters and TIS.</p> <p>4.3 Non-English communications strategies are part of mainstream communications and involve research, development and placements in the most appropriate communication channels.</p>	<p><b>Agency has achieved the previous level and:</b></p> <p>4.1 Has tender processes which specify that service providers need to have demonstrated knowledge and experience in working with people from diverse cultural and linguistic backgrounds.</p> <p>4.2 Requires service providers to collect ethnicity data on service consumers.</p> <p>4.3 Requires service providers to employ people to work with specific ethnic communities.</p> <p>4.4 Actively monitors the performance of service providers with reference to agreed performance criteria.</p>	<p><b>Agency has developed outcome benchmarks and evaluation measures which it promotes to and reports to clients and staff.</b></p> 

GENERIC LEVEL DESCRIPTION	ACTIVITY AREAS				
	Planning & evaluation	Program & service delivery	Staffing	Communication	Funded Services
<p>Agency performance is seen as a model of best practice.</p> 	<ul style="list-style-type: none"> <li>• Planning</li> <li>• Data and research</li> <li>• Resources</li> </ul>	<ul style="list-style-type: none"> <li>• Consultation</li> <li>• Participation</li> <li>• Services and programs</li> </ul>	<ul style="list-style-type: none"> <li>• Recruitment</li> <li>• Training</li> <li>• CLAS</li> </ul>	<ul style="list-style-type: none"> <li>• Publicity</li> <li>• Client communication</li> </ul>	<ul style="list-style-type: none"> <li>• Grants to communities</li> <li>• Contracted services</li> </ul>
	<p>Agency has achieved the previous level and:</p> <p>5.1 Has EAPS fully integrated into the corporate planning and evaluation processes. Clear program decisions and budget allocations to deliver the EAPS outcomes.</p>	<p>Agency has achieved the previous level and:</p> <p>5.1 Agency's programs and services meet the needs of culturally and linguistically diverse communities, and are based on appropriate data analysis, research and evaluation, direct community consultation and high level participation in the boards and committees approving resources and overall direction.</p>	<p>Agency has achieved the previous level and:</p> <p>5.1 Achieves a staffing profile that is based on identified needs and is supported by sound recruitment and selection practices.</p> <p>5.2 Has a training program that fully integrates identified client needs within the appropriate functional area, such as management, policy development and client services.</p> <p>5.3 Positions staff language skills as a tactical resource in its integrated communications strategy.</p>	<p>Agency has achieved the previous level and:</p> <p>5.1 Has a fully developed multicultural communication strategy which is -</p> <p>5.2 informed by language targeting and issue relevance.</p> <p>5.3 integrated into the overall communications program with a level of resources reflective of issue relevance.</p> <p>5.4 developed strategically, and evaluated regularly, matching the message, recipient and most appropriate medium.</p> <p>5.5 serviced by staff with appropriate language resources to meet client group needs in languages other than English.</p>	<p>Agency has achieved the previous level and:</p> <p>5.1 Has funded services that are required to deliver ethnic affairs outcomes. These form an important part of selection and evaluation processes for grants and tenders.</p>
<p>Agency can demonstrate consistently high levels of client satisfaction in ethnic communities in relation to all program areas.</p> 					

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