



Australian
Human Rights
Commission

Access and Equity: Inquiry into the responsiveness of
Australian Government services to Australia's
culturally and linguistically diverse population

**AUSTRALIAN HUMAN RIGHTS COMMISSION SUBMISSION
TO THE ACCESS AND EQUITY INQUIRY PANEL**

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1 Introduction

1. The Australian Human Rights Commission makes this submission to the Access and Equity Inquiry Panel in its inquiry into the responsiveness of Australian Government services to Australia's culturally and linguistically diverse population.
2. The Commission welcomes the independent inquiry into Australian Government services to ensure they are responsive to the needs of Australia's culturally and linguistically diverse population and appreciates the opportunity to provide comments. This inquiry, to strengthen the Australian Government's Access and Equity Framework, is a key initiative of *The People of Australia* Policy.
3. The Commission reaffirms its support for a Commonwealth access and equity policy aimed at ensuring that Australians from all cultural and linguistic backgrounds are able to participate as full members of the community and have equitable access to Australian Government services and programs.

2 Recommendations

4. The Commission recommends that a human rights-based approach be adopted through the Access and Equity Strategy – acknowledging the importance of the principles of non-discrimination, equality, participation and inclusion [Recommendation no. 1].
5. The Commission recommends that the accessibility issues faced by Aboriginal and Torres Strait Islander peoples also be considered as part of a whole-of-government approach to the Access and Equity Strategy, and that this occurs in consultation and partnership with Aboriginal and Torres Strait Islander peoples [Recommendation no. 2].
6. The Commission recommends the adoption of a new language framework for the Access and Equity Strategy, which more specifically references people from culturally and linguistically diverse backgrounds as well as Aboriginal and Torres Strait Islander peoples [Recommendation no. 3].
7. The Commission recommends that the Access and Equity Report includes references to how the recommendations arising from community consultations undertaken by the Federation of Ethnic Communities' Councils of Australia (FECCA) are reflected in the design, planning, communication, delivery and contracting of policies, programs and services across all Australian Government departments and agencies [Recommendation no. 4].
8. Consistent with Recommendation number 4, the Commission recommends that the Access and Equity Report includes references to how the recommendations arising from community consultations with Aboriginal and Torres Strait Islander peoples have been taken into account by Australian Government departments and agencies [Recommendation no. 5].
9. The Commission recommends that clearer and more measurable performance standards, appropriate to all reporting departments and agencies, are

provided as part of the Access and Equity Strategy and that these performance standards are embedded into the reporting template, to ensure they are addressed in responses [Recommendation no. 6].

10. The Commission recommends that the Access and Equity Inquiry Panel consult with Reconciliation Australia about their lessons and experiences in implementing the Reconciliation Action Plan process [Recommendation no. 7].
11. The Commission recommends that the body responsible for the oversight of the Access and Equity Strategy in the future regularly monitors the outcomes of consultations and evaluations with the broader community regarding accessibility of services. Further, the Commission recommends that Australian Government departments and agencies encourage the partnership of Aboriginal and Torres Strait Islander peoples and people from culturally and linguistically diverse backgrounds in the design and evaluation of their policies, programs and services, to ensure they are accessible – and that these partnerships are appropriately resourced [Recommendation no. 8].
12. The Commission recommends that, in principle, all contracted service providers be required, through their contractual arrangements, to report on their implementation of the Access and Equity Framework [Recommendation no. 9].
13. The Commission recommends that the Access and Equity Report continues to include information from Commonwealth, state and territory and local governments [Recommendation no. 10].

3. The richness of Australia's diversity

14. The Commission welcomed the release of Australia's Multicultural Policy, *The People of Australia*, in February 2011 and the commitment of the Australian Government to recognise and maximise the positive effects of migration to Australia, of which there are many.¹
15. The Commission notes that cultural, linguistic and religiously diverse communities are not confined to niche sections of the Australian community. As *The People of Australia* Policy notes, 44% of people in Australia were born overseas or have a parent who was. Over 260 languages are spoken in Australia and people in Australia identify with more than 270 ancestries.²
16. The Commission recognises the contribution of the diaspora community (in Australia and abroad) to Australia's relationships with Europe, the Middle East, Africa and the immediate Asia-Pacific region and the role migration has played in Australia's long-term productive capacity.
17. The Commission also recognises the important contribution of Aboriginal and Torres Strait Islander peoples and their cultures to the fabric of the Australian nation.
18. The Commission has statutory obligations that involve monitoring Australia's compliance with international human rights treaties to which Australia is a party. This includes functions conferred under the *Racial Discrimination Act*

1975 (Cth) (RDA) and that relate to the *International Convention on the Elimination of All Forms of Racial Discrimination 1966* (ICERD).

19. In this context, the Commission – and the Race Discrimination Commissioner and the Social Justice Commissioner in particular – has a mandate to consider human rights issues concerning both Aboriginal and Torres Strait Islander peoples and people from cultural, linguistic and religiously diverse backgrounds. As such, the Commission has a distinct perspective on the commonality of issues affecting both of these constituencies.
20. While this submission is focused on issues relating to Australia's culturally and linguistically diverse population, the Commission notes that reconciliation, multiculturalism and access and equity have mutually reinforcing objectives which operate concurrently in celebrating the diversity and cultural richness of Australia.

4. A human rights-based approach

21. The Commission advocates a human rights-based approach to multiculturalism, access and equity and reconciliation.
22. A human rights-based approach provides a principled framework to guide policy development. It also enables governments, civil society, communities and individuals to monitor progress over time in reducing inequality and discrimination based on race, ethnicity, colour, culture, language or religion. It offers an objective way of balancing competing interests and a common set of shared values based on the recognition of the inherent dignity of all human beings. In particular, it seeks to ensure the participation of people affected by policy interventions, with a view to utilising human rights principles to ensure empowerment of communities.
23. In the context of access and equity, the human rights principles of equality and non-discrimination are particularly relevant. The Commission notes that achieving equality does not always mean that people are treated the same way. While 'formal equality' involves treating everyone the same, 'substantive equality' allows for beneficial treatment of disadvantaged groups so that they can, in the end, enjoy their human rights equally. This is recognised in relevant international and domestic legislation.
24. The ICERD contains principles of equality and non-discrimination. Article 1(1) of ICERD defines racial discrimination in a way that ensures that the prohibition of discrimination includes discrimination on the basis of one's ethnic and national origin, extending discrimination beyond a limited biological concept of race.
25. Article 2(1) of ICERD extends the prohibition on discrimination by providing States with a positive duty to develop a policy which seeks to eliminate racism and promote understanding among all races, setting out the aims of such a policy and how it should be implemented. Access and equity strategies adopted by successive Australian Governments can be seen as a response to this positive duty.

26. Articles 1(4) and 2(2) of ICERD recognise that a State may not only need to prohibit discrimination, but may also need to take positive steps to ensure that groups who are disadvantaged because of their race, including ethnicity, will be put into a position where they can enjoy their rights to the same extent as others.
27. The RDA responds directly to Australia's obligations under ICERD and promotes equality before the law for people of all races, national and ethnic backgrounds. It prohibits discrimination in areas of employment, education, sport, buying goods and using services. The RDA also makes racial vilification against the law.
28. Other international conventions which Australia has signed mandate the protection of religious beliefs and cultural identity. The *International Convention on Civil and Political Rights 1966* (ICCPR) protects the right to freedom of religion and belief. It provides that everyone has the right to adopt the religion or belief of their choice, and to practice it in private or in public.
29. The *International Covenant on Economic, Social and Cultural Rights 1966* (ICESCR) protects the right of all peoples to self-determination and to take part in cultural life. These protections are enhanced by a range of other United Nations declarations and resolutions.
30. Access and equity and multiculturalism provide policy frameworks that complement Australia's human rights obligations and enhancing Australia's community experience of cultural, linguistic and religious diversity.
31. **The Commission recommends that a human rights-based approach be adopted through the Access and Equity Strategy – acknowledging the importance of the principles of non-discrimination, equality, participation and inclusion [Recommendation no. 1].**

5. The conceptual framework for 'access and equity'

32. Access and equity has been in place as a policy framework since the 1980s as a means to encourage Australian Government programs and services to consider barriers facing people based on race, religion, language or culture.
33. Early statements made about the first official access and equity strategy in 1989 remain relevant today. The Australian Government's *National Agenda for a Multicultural Australia: Sharing Our Future* (1989) stated:

...our institutions are now required to respond to the needs of a culturally and linguistically diverse society...

It is in the interest of all Australians that the three tiers of Government – Commonwealth, State and local – intervene where necessary to manage our diversity in the interests of cultural tolerance, social justice and economic efficiency. We need to plan...

The reality of cultural diversity requires a positive policy response...

Mechanisms must be developed which will generate change of the appropriate kind from within the organisations. To be effective, attitudinal change must also occur to propel and sustain the structural changes...

The objective [of the Access and Equity Strategy] is to make Commonwealth departments responsive and to assess whether they are responding equitably – and efficiently – to a culturally diverse clientele. Are programs designed in such a way as to ensure that all Australians can gain access to them? Are services being targeted efficiently to those in greatest need? Are they being delivered in culturally appropriate ways?...By seeking to change the management culture of our public administration, Access and Equity represents the Government's commitment to sustained structural change of the most fundamental type.³

34. The Commission considers that the Access and Equity Strategy should be based on the principles of non-discrimination, equality, participation and inclusion and should address the needs of people from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander peoples.
 35. The Access and Equity Strategy is currently directed at people with culturally and linguistically diverse backgrounds. **The Commission recommends that the accessibility issues faced by Aboriginal and Torres Strait Islander peoples also be considered as part of a whole-of-government approach to the Access and Equity Strategy, and that this occurs in consultation and partnership with Aboriginal and Torres Strait Islander peoples [Recommendation no. 2].**
 36. This will ensure a more inclusive approach to providing responsive and accessible programs and services to all segments of Australia's culturally diverse community.
 37. The Commission considers that the term 'access and equity', as it specifically applies to Australia's culturally and linguistically diverse population, is unlikely to be readily understood by the broad community. The generality of the language means that these terms could easily be misunderstood to mean how Australian Government programs and services are made accessible to particular groups within the community – for example, people with a disability.
 38. **The Commission recommends the adoption of a new language framework for the Access and Equity Strategy, which more specifically references people from culturally and linguistically diverse backgrounds as well as Aboriginal and Torres Strait Islander peoples [Recommendation no. 3].**
 39. These changes will provide greater clarity about the meaning of Access and Equity Strategy for government and the broader community.
- 6. Alignment of Access and Equity Strategy with other Australian Government Agendas**
40. The Commission notes that there is potential for the Access and Equity Strategy to overlap with a range of other government policies or frameworks. These include:

- *The People of Australia Policy*;⁴
 - the Social Inclusion Agenda;⁵
 - the *Closing the Gap framework*;⁶ and
 - the Australian Human Rights Framework, which includes the forthcoming National Human Rights Action Plan.⁷
41. From a human rights perspective, a key theme common to each of these agendas is the issue of substantive equality for Aboriginal and Torres Strait Islander peoples and culturally and linguistically diverse communities.
 42. The Commission considers that it would be beneficial to better integrate and align the Access and Equity Strategy with these other Australian Government agendas. Currently these policies operate within distinctive governance structures, with gaps between their coverage and goals.
 43. Conceptually, the Access and Equity Strategy and the Social Inclusion Agenda are inextricably linked. The most recent Access and Equity Report notes they are connected “through the delivery of programs and services that support social inclusion outcomes for disadvantaged Australians.”⁸
 44. The Australian Government has adopted a set of principles to guide the Social Inclusion Agenda, aspirations which include: reducing disadvantage; increasing social, civic and economic participation; and developing a greater voice, combined with greater responsibility.⁹ These aspirations are directly relevant to culturally and linguistically diverse communities, who face significant barriers to employment,¹⁰ as well as to accessing safe and affordable housing – two key determinants of social disadvantage and marginalisation. While the Social Inclusion Agenda is committed to helping vulnerable new arrivals and refugees,¹¹ it does not identify culturally and linguistically diverse communities within its priority groups.¹²
 45. Similarly, Closing the Gap for Aboriginal and Torres Strait Islander peoples with respect to life expectancy, child mortality, access to early childhood education, educational achievement and employment outcomes is identified as a priority in the Australian Government’s Social Inclusion Agenda, but receives no consideration in the Access and Equity Strategy.
 46. In terms of governance arrangements, the Commission notes that the Social Inclusion Agenda is located within and managed by the Department of Prime Minister Cabinet (PM&C); *The People of Australia Policy* and Access and Equity Strategy are within the portfolio of the Department of Immigration and Citizenship (DIAC); the Human Rights Framework sits with the Attorney-General’s Department (AGD); and the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) is responsible for Indigenous policy co-ordination, programs and the promotion of reconciliation.¹³ The Close the Gap agenda is governed by a number of Indigenous-specific National Partnership Agreements through the Coalition of Australian Governments (COAG).¹⁴
 47. The Commission considers that a whole-of-government approach to policy development and service provision is required across these areas. This would involve the Australian Government developing, monitoring and evaluating

policy in a holistic way that recognises that the right to equality is the foundation underpinning all of these agendas.

48. To this end, the Commission notes its previous recommendations to the Joint Standing Committee on Migration's Inquiry into Multiculturalism in Australia, that the Social Inclusion Board:
- include appropriate membership from culturally and linguistically diverse communities to ensure that issues facing communities that are marginalised and suffer discrimination are addressed in the social inclusion policy process
 - formalise strategic relationships with peak organisations including the Commission, Australian Multicultural Council, the Federation of Ethnic Communities' Councils of Australia (FECCA), National Congress of Australia's First Peoples, Refugee Council of Australia and Settlement Council of Australia to ensure a coordinated and holistic approach to social inclusion, multiculturalism and reconciliation
 - conduct strategic research and disaggregated data collection by ethnicity and gender, in relation to culturally and linguistically diverse communities' access to health, housing, education, legal and employment services including experiences of racial discrimination.
49. The Commission also recommended that the *Charter of Public Service in a Culturally and Linguistically Diverse Australia* be reviewed with reference to the Social Inclusion Agenda, Australian Human Rights Framework and Australia's Multicultural Policy. Particular attention should be given to compliance measures within Government and the need for publicly funded services by non-government organisations.¹⁵
50. In addition to the Commission's recommendations in this submission, these suggestions provide opportunities to better align the Access and Equity Strategy and the Social Inclusion Agenda.

7. Governance arrangements for the Access and Equity Strategy

51. The Access and Equity Strategy does not have a legislative basis and is currently administered by DIAC, which coordinates the reporting process. Additionally, the Access and Equity Report is published every two years, despite departments and agencies providing annual contributions to the Access and Equity Report.
52. The Commission notes that *The People of Australia* Policy states the Australian Government will ask the Australian Multicultural Council to – among other tasks – manage the Access and Equity Strategy from 2012, in order to help strengthen the independence of reporting and to provide for a more robust reporting framework.
53. The Access and Equity Inquiry Panel queries whether the level of authority for the Access and Equity Strategy, which is endorsed by the Australian Government, is adequate.

54. The Commission notes that a Commonwealth access and equity policy has enjoyed continual support from successive Australian Governments since the 1980s, without having a legislative basis.
55. However, the benefits of establishing authority for the Access and Equity Strategy in legislation would include:
 - enshrining access and equity principles in legislation
 - establishing a structure that would drive some key objectives of the Strategy, including the role of the body administering the Strategy, the Australian Multicultural Council
 - facilitating broad community participation through the establishment of advisory committees with broad representation, to provide further advice and support to the development of the Strategy as required
 - establishing accountability mechanisms
 - following good practice established by some States in committing to the advancement of access and equity through legislation
 - providing a basis for multi-partisan commitment to the Strategy.
56. Disadvantages of establishing legislative authority may include:
 - losing flexibility in how access and equity may be administered by making it more difficult to amend implementation and reporting processes
 - being administratively onerous
 - being an over-regulatory response.
57. The Commission believes that this review should provide suitable advice about whether a legislative basis is required or whether in fact the current arrangements are sufficient, and attention should be focussed on implementation and application.
58. The Access and Equity Inquiry Panel queries whether DIAC is the appropriate agency to administer the Access and Equity Strategy and to coordinate the Access and Equity Report, and questions whether another agency may be better placed to do these tasks.
59. In the Commission's view, it is critical that an authoritative governance mechanism exists within the Australian Public Service to ensure that the Access and Equity Strategy successfully permeates the work of the Australian Government as an effective policy framework. Such a mechanism should facilitate a process that ensures that access and equity principles become embedded in the attitude and culture of all Australian Government departments and agencies.
60. The governance mechanism would ideally have adequate authority to promote access and equity principles across the work of the Australian Public Service, to provide high level policy and strategic advice to the Australian Government about its continued development, and would include enhanced monitoring and accountability mechanisms.

61. The Commission considers that the current arrangement involving the Australian Multicultural Council, in its oversight capacity of the Access and Equity Strategy, provides a level of independence that will facilitate more critical analysis than has been present in Access and Equity Reports to date. However, the Commission is concerned that there must be adequate support provided to the Australian Multicultural Council in this role for it to be effective. This includes both resources and also in ensuring that the Access and Equity Framework can be implemented in a whole-of-government manner.
62. The Commission believes that the role of the Australian Multicultural Council, may need to be enhanced beyond reporting processes and include:
 - greater sharing of good practice examples
 - the provision of advice and input into policy areas that raise broad access and equity issues
 - accessing external expertise, for example from the community sector.
63. Evidence about the operation of the Social Inclusion Board should inform this inquiry about the appropriate support for a whole-of-government approach to access and equity.

8. Access and Equity Reporting

64. As an agency that reports annually under the Access and Equity Strategy, the Commission is well-placed to provide comments about the current reporting process, as well as suggestions as to how it may be improved.
65. The Commission notes that currently contributions to the Access and Equity Report are annual, though the Report is published every two years. These timeframes appear to be appropriate, and balance the need for regular reporting with the desire to avoid onerous over-regulation.
66. The Access and Equity Inquiry Panel queries how the input of FECCA should be incorporated into the Access and Equity Report.
67. Currently, on behalf of the Australian Government, FECCA undertakes annual community consultations on the issue of accessibility of Australian Government services to diverse communities. In the most recent Access and Equity Report, this input was incorporated into Part 3 'Federation of Ethnic Communities' Council of Australia consultations' of the Report through two sections: community consultations and community-government engagement.¹⁶ FECCA's subsequent engagement with five key departments, addressing issues arising from the consultations, is then summarised. FECCA's complementary report, *The Bigger Picture: joining up solutions to achieve access and equity*¹⁷ is referenced.
68. A key finding from FECCA's work is that there is a need for ongoing effort to provide accessible and equitable services to culturally and linguistically diverse communities.
69. While it is helpful to know how selected departments act on the recommendations of FECCA's community consultations, it would also be

useful to know how the results of these consultations are taken into account by other Australian Government departments and agencies.

70. **The Commission recommends that the Access and Equity Report includes references to how the recommendations arising from community consultations undertaken by FECCA are reflected in the design, planning, communication, delivery and contracting of policies, programs and services across all Australian Government departments and agencies [Recommendation no. 4].**
71. **Consistent with Recommendation number 4, the Commission recommends that the Access and Equity Report includes references to how the recommendations arising from community consultations with Aboriginal and Torres Strait Islander peoples have been taken into account by Australian Government departments and agencies [Recommendation no. 5].**
72. The Access and Equity Inquiry Panel has asked a range of questions relating to the purpose of access and equity reporting, how better performance reporting may be achieved and the inclusion of performance standards.
73. The Commission notes that the Access and Equity Strategy currently encourages and supports all levels of government “to design, deliver, monitor and evaluate their programs and services”.¹⁸
74. Under current arrangements, departments and agencies are provided with a reporting template which seeks input on policies, programs and services and how they meet the access and equity principles of responsiveness, communication, accountability and leadership.
75. The reporting template provided to departments and agencies encourages discussion of specific projects and programs. While there are questions under each principle that aim to address each of the strategies contained in the Access and Equity Framework, it is unclear as to whether the questions in the template apply to an individual program or the department or agency as a whole. The reporting template also does not clearly indicate if answering each of the questions is optional or mandatory.
76. Additionally, the reporting template does not encourage reporting departments or agencies to identify challenges or obstacles faced in addressing the strategies, or to identify what steps have been taken to ensure better consideration of the strategies in the future.
77. In the Commission’s view, the Access and Equity Report should ideally go beyond highlighting good practices and indicate how the Access and Equity Strategy is being implemented successfully, as well as identify the challenges that arise. This could be achieved by including questions in the template that seek to identify challenges and what, if any, strategies are being used to address those challenges.
78. The Commission, for example, could provide additional information about access and equity issues particularly faced by asylum seekers and refugees,

or by older people from culturally and linguistically diverse backgrounds seeking or receiving home or residential aged care services. However, the current template does not provide for this type of feedback.

79. The Commission notes that the Social Inclusion Agenda includes a more robust national social inclusion measurement framework and reporting strategy, “including public reporting by Commonwealth departments on strategic change indicators (SCIs) that will show what agencies are doing to improve social inclusion and how well they are achieving it”.¹⁹ This approach, which identifies areas where extra effort is required, as well as successes that can be built on, could be adopted in relation to access and equity principles.
80. **The Commission recommends that clearer and more measurable performance standards, appropriate to all reporting departments and agencies, are provided as part of the Access and Equity Strategy and that these performance standards are embedded into the reporting template, to ensure they are addressed in responses [Recommendation no. 6].**
81. While the Access and Equity Strategy has a vital connection to direct frontline services such as employment, health, welfare, tax and education, the Strategy has relevance and applicability to the full suite of Australian Government policies, programs and services. For example, the cultural competency and responsiveness of departmental and agency staff will affect the applicability and effectiveness of policies and services to the community at large.
82. Clearer and measurable performance standards would encourage departments and agencies to go beyond highlighting one-off initiatives aimed at relevant communities. It would instead encourage the development of more strategic goals, and therefore greater accountability in delivering more accessible and equitable Australian Government policies, programs and services.
83. Measurable performance standards would encourage departments and agencies to identify challenges, lessons learnt and steps put in place to assist in meeting performance standards in the future. Measurable performance standards may also reveal systematic challenges across the public sector, and encourage the development of policy solutions to these challenges.
84. It is hoped that this in turn would encourage access and equity principles to be embedded into the culture and structure of Australian Government departments and agencies, through their respective reporting frameworks, regardless of whether they directly deliver programs and services, or whether they are involved in policy development.
85. Standards could address the following issues:
- the process for identifying community needs
 - the processes for including and encouraging the participation of communities in the development of policies, programs and services
 - the use, effectiveness and appropriateness of interpreter and translating services
 - how programs and services respond to community input and needs

- whether cultural competency within a department or agency has been increased
 - if the change in cultural competency within a department or agency has enhanced its performance.
86. Where the standards are not relevant to particular departments and agencies, this can be noted in the reporting process and independently assessed by the Australian Multicultural Council.
87. The cross-cultural competency of departments and agencies, and the availability and usage of interpreters could be considered in measuring the accessibility of services, as well as the service outcomes.²⁰ Culturally appropriate promotion and education strategies could also be used as a measure for both accessibility and inclusion. International comparisons may provide useful benchmarks for accessibility and inclusion.
88. The Commission notes that the Reconciliation Action Plan (RAP) model is a proactive and accountable way of progressing access and equity issues with Aboriginal and Torres Strait Islander peoples. Through sustainable employment and business opportunities, RAPs are business plans that aim to improve relationships, as well as generate greater respect and equality between Aboriginal and Torres Strait Islander peoples and other Australians. RAPs demonstrate how workplaces can work towards reconciliation between Aboriginal and Torres Strait Islander peoples and other people in the workplace, with each RAP containing specific measurable commitment and actions in the areas of relationships, respect and opportunities.
89. Reconciliation Australia has recently released results of the first comprehensive analysis report on the collective impact of the RAP program and relationships between Aboriginal and Torres Strait Islander peoples and other people in the workplace.²¹ The report identifies that there has been good progress in this area and that the RAP program represents a model that works. The report also highlights areas for improvement, including the need to increase reporting compliance rates.²²
90. **The Commission recommends that the Access and Equity Inquiry Panel consult with Reconciliation Australia about their lessons and experiences in implementing the Reconciliation Action Plan process [Recommendation no. 7].**
91. The Access and Equity Inquiry Panel has queried whether the current self-reporting regime is adequate or whether there should be some independence in the assessment of departments' or agencies' performance.
92. As noted previously in this submission, the Commission considers that the shift in the management of the Access and Equity Strategy to the Australian Multicultural Council, will result in greater independence in the assessment of departments' and agencies' performance.
93. The Access and Equity Inquiry Panel has not specifically requested comments on the impact of general community feedback on the Access and Equity Strategy. However, the Commission notes that a significant amount of work is

done by government departments, agencies and the non-government sector to hear directly from Aboriginal and Torres Strait Islander peoples and people from culturally and linguistically diverse backgrounds about the accessibility of government-funded programs and services. Information is obtained through regular evaluation, research and consultations.

94. Recent research that the Commission has conducted with the African Australian and Arab and Muslim Australian communities has identified two major issues regarding the accessibility of government-funded programs and services: language and cultural competency.²³ These research projects have sought to ensure that issues facing these communities are expressed in their own words and through direct input from the communities through consultations. The projects have also involved working with steering committees and community reference groups.
95. Issues affecting accessibility of programs and services have included:
- lack of cultural competency and flexibility to adequately meet client needs in the education context
 - language barriers for parents which affect their engagement with schools
 - lack of sufficient information
 - lack of culturally appropriate approaches
 - problems with accessing interpreters, including appropriate use of interpreters in the area of health
 - language barriers to accessing legal services and the law generally
 - language barriers and lack of cultural competency in child protection systems
 - perceptions of being targeted and over-policed by police and law enforcement officials
 - problems understanding the employment, health and housing systems
 - dealing with experiences of discrimination and racism in the transport context.
96. Community members are not always likely to report these issues directly to government and government-funded programs and services. There can be reluctance to report negative experiences due to fear of victimisation, lack of trust in authority to take action, lack of knowledge about the law and complaints processes, the perceived difficulty in making a complaint and the perception that outcomes are unsatisfactory.²⁴
97. **The Commission recommends that the body responsible for the oversight of the Access and Equity Strategy in the future regularly monitors the outcomes of consultations and evaluations with the broader community regarding accessibility of services. Further, the Commission recommends that Australian Government departments and agencies encourage the partnership of Aboriginal and Torres Strait Islander peoples and people from culturally and linguistically diverse backgrounds in the design and evaluation of their policies, programs and services, to ensure they are accessible – and that these partnerships are appropriately resourced [Recommendation no. 8].**

98. The Access and Equity Inquiry Panel has requested comments in relation to access and equity obligations for contracted service providers.
99. As the Discussion Paper notes, “access and equity applies to all Government funded policies, programs and services, irrespective of whether they are delivered by Government departments, agencies, or contracted bodies such as community organisations or commercial enterprises.”²⁵
100. **The Commission recommends that, in principle, all contracted service providers be required, through their contractual arrangements, to report on their implementation of the Access and Equity Framework [Recommendation no. 9].**
101. While the input of all levels of government into the Access and Equity Report is not specifically raised by the Access and Equity Inquiry Panel, the Commission notes that initiatives at the Commonwealth, state and territory and local government levels are included in the most recent Access and Equity Report. The Commission considers that this is a strength of the Report, as it provides a snapshot of the effect of the Access and Equity Strategy across all levels of government.
102. **The Commission recommends that the Access and Equity Report continues to include information from Commonwealth, state and territory and local governments [Recommendation no. 10].**

¹ Australian Human Rights Commission, ‘Multiculturalism policy welcomed’ (Media Release 16 February 2011). At: http://www.hreoc.gov.au/about/media/media_releases/2011/13_11.html (viewed 17 February 2012).

² Australian Government, *The People of Australia: Australia’s Multicultural Policy* (2011) at page 2. At: <http://www.immi.gov.au/living-in-australia/a-multicultural-australia/multicultural-policy/> (viewed 21 February 2012).

³ Office of Multicultural Affairs, Department of the Prime Minister and Cabinet, *National Agenda for a Multicultural Australia: Sharing Our Future* (1989), pages 51-52. At: <http://www.immi.gov.au/media/publications/multicultural/agenda/agenda89/toc.htm> (viewed 13 February 2012).

⁴ Department of Immigration and Citizenship, *Australia’s Multicultural Policy* (2011). At: <http://www.immi.gov.au/living-in-australia/a-multicultural-australia/multicultural-policy/> (viewed 17 February 2012).

⁵ Australian Government, *Social Inclusion* (2011). At: <http://www.socialinclusion.gov.au> (viewed 17 February 2012).

⁶ Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap* (2009). At: <http://www.fahcsia.gov.au/sa/indigenous/progserv/ctg/Pages/default.aspx> (viewed 17 February 2012).

⁷ Attorney-General’s Department, *Australia’s Human Rights Framework* (2012). At: <http://www.ag.gov.au/Humanrightsandantidiscrimination/Australiahumanrightsframework/Pages/default.aspx> (viewed 17 February 2012).

⁸ Australian Government, *Access and Equity in Government Services Report 2008-10* (2011) at page 12. At: <http://www.immi.gov.au/about/reports/access-equity/2010/> (viewed 21 February 2012).

⁹ Social Inclusion Unit, *Social Inclusion Principles* (2011). At: <http://www.socialinclusion.gov.au/what-social-inclusion/social-inclusion-principles> (viewed 21 February 2012).

¹⁰ See, for example, Ethnic Communities Council of Victoria, ‘Real Jobs: Employment for Migrants and Refugees in Australia’, ECCV Policy Discussion Paper No 3. 2008. At:

www.eccv.org.au/library/doc/ECCVDiscussionPaper3-RealJobs.pdf (viewed 1 February 2012); Val Colic-Peisker and Farida Tilbury, *Refugees and Employment: the effect of visible difference on discrimination (Final Report)*, Centre for Social and Community Research, Murdoch University, January 2007. At: www.cscr.murdoch.edu.au/docs/refugeesandemployment.pdf (viewed 1 February 2012); Alison Booth, Andrew Leigh, Elena Varganova, *Does Racial and Ethnic Discrimination Vary Across Minority Groups? Evidence from a Field Experiment* (2009) At: <http://apo.org.au/research/does-racial-and-ethnic-discrimination-vary-across-minority-groups-evidence-three-experiment> (viewed 1 February 2012).

¹¹ Social Inclusion Unit, *The Australian Public Service Social Inclusion policy design and delivery toolkit* (2009) at page 11. At: <http://www.socialinclusion.gov.au/resources/aust-govt-publications> (viewed 22 February 2012).

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¹³ See Department of Prime Minister and Cabinet, *Administrative Arrangements Order* made on 9 February 2012 (2012). At: <http://www.dpmc.gov.au/parliamentary/index.cfm> (viewed 20 February 2012).

¹⁴ Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap: National Partnership Agreements* (2009). At: http://www.facs.gov.au/sa/indigenous/progserv/ctg/Pages/national_partnerships.aspx (viewed 20 February 2012).

¹⁵ Australian Human Rights Commission, *Submission to the Joint Standing Committee on Migration in its Inquiry into Multiculturalism in Australia* (2011). At: http://www.humanrights.gov.au/legal/submissions/2011/20110429_multiculturalism.html (viewed 20 February 2012).

¹⁶ Australian Government, note 8 at pages 55-59.

¹⁷ FECCA, *The Bigger Picture: joining up solutions to achieve access and equity* (2011). At: <http://www.fecca.org.au/publications/access-and-equity> (viewed 21 February 2012).

¹⁸ Access and Equity Inquiry Panel, *Access and Equity: Inquiry into the responsiveness of Australian Government services to Australia's culturally and linguistically diverse population December 2011 Discussion Paper* (2011) at page 8. At: <http://www.immi.gov.au/living-in-australia/a-multicultural-australia/government-approach/government-services/access-equity-inquiry.htm> (viewed 21 February 2012).

¹⁹ Social Inclusion Unit, *Measurement and Reporting* (2011). At: <http://www.socialinclusion.gov.au/about/social-inclusion-priorities/measurement-and-reporting> (viewed 22 February 2012).

²⁰ For further discussion on cultural competency, please see Australian Human Rights Commission, *Social Justice Report 2011* (2011) at pages 8-9 and 150-164. At: http://www.humanrights.gov.au/social_justice/sj_report/sireport11/index.html (viewed 22 February 2012).

²¹ Reconciliation Australia, *Reconciliation Action Plan: Impact Measurement Report 2011* (2011). At: <http://www.reconciliation.org.au/home/reconciliation-action-plans/rap-impact-measurement-report> (viewed 15 February 2012).

²² As above, at pages 3 and 63.

²³ Australian Human Rights Commission, *In Our Own Words - African Australians: A review of human rights and social inclusion issues*. At: <http://www.humanrights.gov.au/africanaus/review/index.html> (viewed 15 February 2012); Australian Human Rights Commission, *Isma – Listen: National consultations on eliminating prejudice against Arab and Muslim Australians* (2004). At: http://www.humanrights.gov.au/racial_discrimination/isma/report/index.html (viewed 15 February 2012).

²⁴ Australian Human Rights Commission, *Isma – Listen: National consultations on eliminating prejudice against Arab and Muslim Australians*, as above.

²⁵ Access and Equity Inquiry Panel, note 18 at page 10.