

**GLOBAL  
PLURALISM  
MONITOR**



**AUSTRALIA**

## **Global Pluralism Monitor: Australia**

by Global Centre for Pluralism

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### **Publisher**

Global Centre for Pluralism

330 Sussex Drive

Ottawa, Ontario, K1N 0C7

Canada

### **Cover and interior design**

Soapbox

[designbysoapbox.com](http://designbysoapbox.com)

### **Typesetting**

Em Dash design

[emdashdesign.ca](http://emdashdesign.ca)

[pluralism.ca](http://pluralism.ca)

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## **Library and Archives Canada Cataloguing in Publication**

Title: Global Pluralism Monitor: Australia.

Names: Global Centre for Pluralism, publisher.

Description: Includes bibliographical references.

Identifiers: Canadiana (print) 20230449131 | Canadiana (ebook) 20230449158 | ISBN 9781998059003 (softcover) | ISBN 9781998059010 (PDF)

Subjects: LCSH: Cultural pluralism—Australia. | LCSH: Immigrants—Australia. | LCSH: Aboriginal Australians. | LCSH: Equality—Australia. | LCSH: Australia—Ethnic relations. | LCSH: Australia—Race relations.

Classification: LCC DU120 .G56 2023 | DDC 305.800994—dc23

978-1-998059-00-3

978-1-998059-01-0 (PDF)

This work was carried out with financial support from Global Affairs Canada (GAC) and the International Development Research Centre (IDRC), Ottawa, Canada. The views expressed herein do not necessarily represent those of GAC, or IDRC and its Board of Governors.



## ABOUT THE SERIES

This report was developed using the Global Pluralism Monitor Assessment Framework. The Global Pluralism Monitor's country assessments are conducted by a team of experts on diversity issues who are either country nationals or have significant experience in the country.

The scores presented in this report should not be interpreted as part of a universal scale or ranking system that applies to all countries in the same way. Instead, scores should be understood as a context-specific indication of the country's progress toward (or away from) a pluralistic ideal. For example, a post-conflict society that still experiences violence – but comparatively less than at the height of conflict – might have a similar score to a society that has been peaceful but has recently experienced a surge in hate crimes. The Global Pluralism Monitor aims to assess countries on their own terms to reflect the highly contextual nature of pluralism: there is no single route to success that all societies must follow.

For more information on the Monitor and its methodology, visit our website at [pluralism.ca/monitor](https://pluralism.ca/monitor).

## ACKNOWLEDGEMENTS

The Global Centre for Pluralism would like to thank the following individuals for their support and contributions to the Global Pluralism Monitor: Anna-Mária Bíró, Gina Cosentino, Allison Harell, Niraja Gopal Jayal, Will Kymlicka, Hwok Aun Lee, Corinne Lennox, Tavinder Nijhawan, Edem Selormey, Ashad Sentongo, Rachel Sieder, Frances Stewart, and Stefan Wolff.

# ABOUT THE GLOBAL PLURALISM MONITOR

## What is pluralism?

**Diversity in society is a universal fact; how societies respond to diversity is a choice. Pluralism is a positive response to diversity. Pluralism involves taking decisions and actions, as individuals and societies, which are grounded in respect for diversity.**

## MEASURING INCLUSION AND EXCLUSION IN DIVERSE SOCIETIES

Living and engaging with differences in society is a challenge all societies face. As inequality, marginalization and divisions rise, building peaceful and inclusive societies is ever more urgent.

Vulnerable groups, including religious and ethno-cultural minorities, Indigenous groups, and women and girls, face ongoing political, economic and social exclusion. To foster more just, peaceful and prosperous societies, these exclusions must be addressed. To take meaningful action, policy makers and practitioners need a holistic understanding of these issues.

Launched by the Global Centre for Pluralism, the Global Pluralism Monitor is a measurement tool that assesses the state of pluralism in countries around the world. Across political, economic, social and cultural domains, the Monitor informs decision-making to address root causes of exclusion and improve the prospects for pluralism.

*Enhances existing efforts by governments, civil society and the private sector*

The Monitor enables:

- Gap analysis: to assess the state of pluralism in societies and identify areas in which intervention is needed to address exclusion;
- Trends analysis: to track a country's trajectory over time, either towards greater inclusion or exclusion;
- Intersectional analysis: to assess the treatment of women in societies, accounting for intra-group dynamics of inclusion and exclusion;
- Conflict prevention: to identify signs of exclusion and marginalization before crisis becomes imminent;
- Good practices: to identify initiatives that are having a positive impact that could be further developed, or serve as lessons for other contexts.

*Approach rooted in both institutional and cultural responses to diversity*

The Centre's approach to pluralism focuses on institutions (hardware), cultural processes (software) and the complex interactions between the two. Institutional arrangements – such as constitutions, legislatures, courts, and systems of government – outline the legal and political spaces within which members of societies act. Cultural habits or mindsets shape our perceptions of *who belongs* and *who contributes*, and influence how we interact with one another every day.

The Monitor Assessment Framework is rooted in the interplay between institutional and cultural responses, and measures inclusions and exclusions across political, economic and social dimensions. Its 20 indicators cover the following:

1. Legal commitments in support of pluralism;
2. Practices by state institutions to realize commitments;
3. Leadership towards pluralism from societal actors;
4. State of group-based inequalities;
5. Intergroup relations and belonging.

*Informed by expertise and data*

A team of national experts on diversity and inclusion in the country uses the Monitor Assessment Framework to produce a country report, drawing on a range of qualitative and quantitative data. The reports offer recommendations for policymakers and practitioners on how to advance pluralism, and offer a basis for dialogue with stakeholders across the society.

Each team of experts is encouraged to define the story *they* want to tell about pluralism. In this way, the reports are grounded in the local realities and designed to have the most potential impact on policy and practice.

The Monitor is guided by an international Technical Advisory Group of leading experts on indices and diversity issues.

# GLOBAL PLURALISM MONITOR ASSESSMENT FRAMEWORK

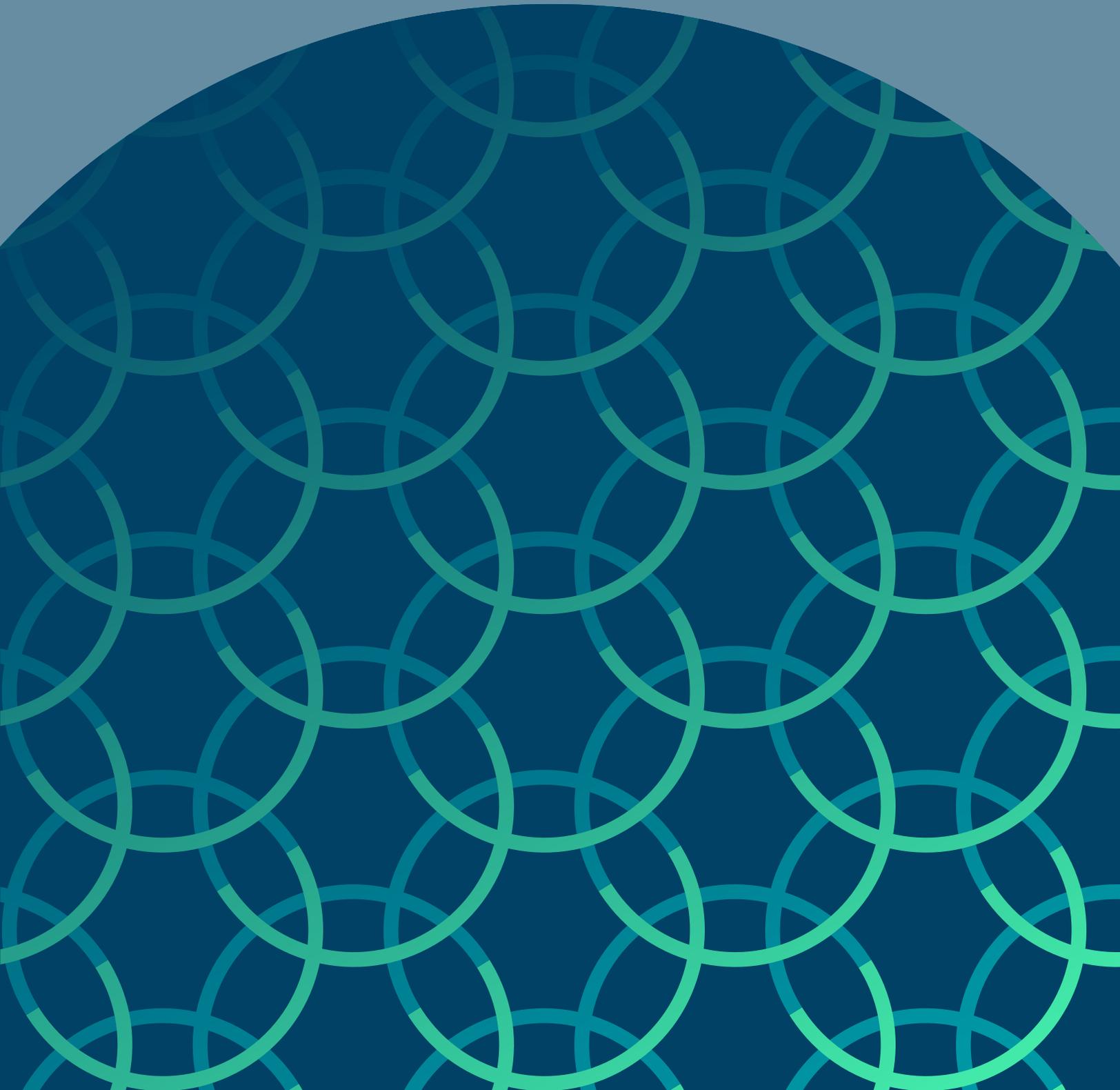
## COUNTRY PROFILE

COMMITMENTS	PRACTICES	LEADERSHIP	GROUP BASED INEQUALITIES	INTERGROUP RELATIONS + BELONGING
International Commitments	Policy implementation	Political Parties	Political	Intergroup Violence
National Commitments	Data Collection	News Media	Economic	Intergroup Trust
Inclusive Citizenship	Claims-Making and Contestation	Civil Society	Social	Trust in Institutions
		Private Sector	Cultural	Inclusion and Acceptance
			Access to Justice	Shared Ownership of Society

## RECOMMENDATIONS

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# EXECUTIVE SUMMARY

**While the country has many international treaties and protocols in place, some group-based inequalities and discrimination may eclipse existing policies that are intended to support minority groups.**

## OVERALL SCORE: 6

Australia is a burgeoning multicultural country. Over half of its population is either born overseas or has at least one parent born overseas. However, the country's relationship with diversity has been challenging. Stemming from its legacies of colonial settlement, the country has wavered between a policy of multiculturalism which celebrates diversity and one of 'mainstreaming', where individual newcomers are responsible for adjusting to Australian values and ways of life. In focussing on three distinct groups: Indigenous Australians, Culturally and Linguistically Diverse (CALD) Migrants and Temporary Migrants, the Global Pluralism Monitor: Australia report underscores Australia's attempts to move from its settler-colonial roots towards a society that is more inclusive for all members.

In Australia, systemic inequalities and exclusions undermine progress towards achieving pluralism. While the country has many international treaties and protocols in place, some group-based inequalities and discrimination may eclipse existing policies that are intended to support minority groups. Furthermore, significant gaps exist in policy implementation, data collection, gender-based and economic equality, private sector equality, institutional trust, judicial neutrality and the accessibility of civil society organizations for minority communities. For many minority communities, a sense of shared ownership in Australian society is out of reach, even while there is, overall, a strong desire to belong in Australia. Together, this report reveals a mixed approach to pluralism, one that celebrates pluralism as a concept but stops short of taking the substantial actions that would improve the prospects for pluralism and affect Australian patterns of life.

## LEGAL COMMITMENTS

Australia has signed and ratified some international treaties and protocols, but also declined to sign others. This approach has diverse effects on Indigenous Peoples, CALD migrants and temporary migrants. While some structural guarantees are in place for minority groups, these policies are overshadowed by a lack of confidence from the communities they are meant to protect. This lack of trust stems from the deep entrenchment of systemic racism and discrimination. For example, Indigenous people are still negatively affected by the lack of full protection of their basic human rights.

Australia's rate of citizenship acquisition is high and does not discriminate based on social identity or gender. However, individuals from primarily minority communities face many barriers to accessing permanent residency and therefore citizenship, such as demonstrating that they have adopted Australian values, ways of life and history. Moreover, some temporary residents are ineligible to apply for permanent residency which effectively prevents them from accessing social services and systems.

**Systemic racial discrimination and lingering forms of settler-colonialism continue to impact Australia's education, social, economic and healthcare systems, leading to lower educational participation and poor health outcomes for many diverse communities.**

## PRACTICES AND LEADERSHIP

While the Australian government has initiatives that support pluralism, there are still significant gaps in policy implementation, data collection and private sector equality. There is also a lack of accessibility to civil society organizations for minority communities, Indigenous Peoples, women and temporary migrants. Delays in processing citizenship applications for certain groups raise concerns about equity and access, highlighting a disparity between policy and practice. Moreover, data collection efforts to chart racial, gender and class divides for Australia's culturally diverse communities are inadequate. As a result, Australia lacks the information to address the many systemic inequalities that diverse communities face.

In terms of representation, Australian political parties range from being outwardly supportive of pluralism to emphasizing commonality rather than diversity. Even with this disagreement across Australia's political space, the 2022 elected Parliament witnessed a milestone: the first instance of *overrepresentation* of Indigenous Peoples in the Senate and Parliament. However, the lack of diversity in spaces such as the media and the workforce, as well as the shrinking of civil society associations, make participation in democracy difficult for members of minority communities.

## GROUP-BASED INEQUALITIES, INTER-GROUP RELATIONS AND BELONGING

In general, Australians are accepting of diversity and believe that multiculturalism has been good for the country. However, their support for pluralism is limited by a desire for minorities to adopt Australian patterns of life. This leaves many Australians, particularly Indigenous Peoples and ethnic minorities, not feeling fully accepted in society, not having strong ties with Australia and not feeling equal to white Australians.

Unequal practices such as legal restrictions for dual citizens, prisoner disenfranchisement, racial discrimination and the lack of female and minority group representation in Parliament highlight some of Australia's group-based inequalities. Economic inequality persists particularly for Indigenous Peoples who have limited access to the economic domain due to institutional racism and culturally unsafe work environments. Gender-based economic inequality also persists, with women earning significantly less than men and occupying mostly part-time and casual roles. Similarly, the judicial system often possesses negative biases towards minority groups including Aboriginal and Torres Strait Islander peoples. While the system should ensure fairness to all citizens, this is not the lived experience for many diverse communities.

Systemic racial discrimination and lingering forms of settler-colonialism continue to impact Australia's education, social, economic and healthcare systems, leading to lower educational participation and poor health outcomes for many diverse communities. The prevalence of racism causes low societal trust and an exclusive environment that undermines the progress for pluralism in Australia.

**While structurally Australian society has few limitations that prevent individuals from taking part in society and expressing their cultural or religious identities, the Centre's *Pluralism Perceptions Survey* demonstrates that only 54 percent of Australian's agree that they can express their identity in public without fear.**

## MONITOR TAKEAWAYS

Over the past few decades, Australia has promoted itself as a multicultural democracy – a country that celebrates and embraces diversity. However, this report documents Australia's struggles to adapt this multicultural approach from policy to practice and to reconcile with its history as a settler-colonial nation. While Australia is making strides in developing stronger feelings of shared ownership, institutional trust and community belonging, systemic inequalities and racial discrimination toward Indigenous Peoples, CALD migrants and temporary migrants continue to hamper attempts at reconciliation that are necessary for Australia to become more pluralistic. Together, this report tells a story of a country grappling with how to move forward toward a more pluralistic future while acknowledging its colonial and racialized limitations.

Australia has broad commitments to human rights and pluralism across its national and international spaces. However, minority communities exhibit a lack of trust toward governmental commitments, especially Indigenous Peoples who continually face challenges and discrimination in accessing their basic human rights. As a result, while Australia has legal commitments in place, systemic discrimination and racial inequalities continue to pervade its legal system and prevent these commitments from fully protecting minority groups. Moreover, Australia's initiatives to support pluralism have significant gaps in policy implementation, data collection, private sector equality and the accessibility of civil society organizations for minority communities. For instance, even though the 2022 elected Parliament witnessed large steps in terms of minority community representation, the lack of consistency regarding mainstreaming diversity in the private sector makes participation in society difficult for members of minority communities.

The Global Centre for Pluralism's (the Centre) *Pluralism Perceptions Survey* further highlights this conundrum. Across Australian society, there are strong feelings of shared ownership of society and high intergroup trust; however, simultaneously, minority groups often feel isolated and have limited interaction with individuals from other communities. While structurally Australian society has few limitations that prevent individuals from taking part in society and expressing their cultural or religious identities, the Centre's *Pluralism Perceptions Survey* demonstrates that only 54 percent of Australian's agree that they can express their identity in public without fear. As a result, the report makes visible how barriers continue to exist that limit minority communities' sense of belonging. Overall, these results demonstrate that there exists a hesitation towards diversity when that diversity is viewed as potentially upending Australian ways of life.

## RECOMMENDATIONS

The Monitor report's recommendations align with and reinforce what experts, activists and stakeholders have called for in Australia and provide several pathways to pluralism for the country.

- Australia can implement and amend commitments to diminish the current legal inequalities that exists in the country, such as the overrepresentation and incarceration of Indigenous youth in the judicial system and the indefinite detention of asylum seekers. This includes implementing the UN Declaration on the Rights of

Indigenous Peoples, amending the Commonwealth Sex Discrimination Act 1984 and implementing all outstanding recommendations from several Royal Commissions from 1991, 2016 and 2019.

- To allow Indigenous Peoples equitable participation, access and empowerment across the economic, cultural and social domains, Australia can take on further constitutional reforms. Reforms include adopting the Uluru Statement as a necessary first step to achieve more equitable political representation and enable Indigenous expression in Parliament and government on important issues affecting Indigenous Peoples. Representation of other diverse communities and women also needs to be bolstered to reflect Australian society more accurately both politically and in other sectors, such as in the media.
- Hate crimes, racial bias and discrimination still inhibit Australia from promoting pluralism in a safe and inclusive manner. Data collection can be more robust and accessible to allow for a transparent understanding of the many struggles diverse communities encounter. To respond to these systemic violences, the Australian government can bolster its support to civil society and multicultural organizations to help make resources more readily available for affected communities.
- To better support the transition to a more pluralistic society, the Australian government and citizenry may acknowledge and help eliminate the many political, social, economic and cultural systems that make Australian society unequal for individuals from diverse backgrounds.

# COUNTRY PROFILE

## **Australia's initial response to diversity was racist, intolerant and exclusive.**

The Federation of Australia was the result of the process through which six separate self-governing British colonies (Queensland, New South Wales, Victoria, Western Australia, South Australia and Tasmania) agreed to unite to form the Commonwealth of Australia. The proclamation of the Federal Constitution by then Governor-General Lord Hopetoun in January 1901 brought the Commonwealth of Australia into existence. Australia doubled its population through immigration in the space of 50 years following the Second World War. Today, Australia's current population is over 25 million, 812,728 (3.2 percent) of whom identify as being of Aboriginal and/or Torres Strait Islander origin.<sup>1</sup> People born overseas are now 30 percent of the resident Australian population (most of whom were born in England, 13 percent; India, 9.5 percent; and China, 8.6 percent).<sup>2</sup> Migrants live mostly in Australian cities.<sup>3</sup> The 2021 census found that for the first time in the country's history, 51.5 percent of the population are either born overseas (29.3 percent) or have one or both parents born overseas (22.2 percent). The most common languages other than English spoken at home are Mandarin (2.7 percent), Arabic (1.4 percent), Vietnamese (1.3 percent), Cantonese (1.2 percent), and Punjabi (0.9 percent).<sup>4</sup> In total 24.8 percent of the population spoke a language other than English at home, an increase by almost 4 percent from the 2016 census. Christianity remains the largest religious affiliation though declining from 57.7 percent in 2016 to 43.9 percent in 2021. This decline coincides with a rapid rise of those indicating 'no religion'. Indeed, between the 1996 and 2021 censuses, those professing "no religion" increased from 2.9 million to 9.8 million, while identification with faith groups other than Christian grew from 652,210 in 1996 to 2.5 million in 2021. Those identifying as Hindu increased from 440,300 in 2016 to 648,000 in 2021 (2.69 percent),<sup>5</sup> and those identifying as Muslims increased from 604,200 to 813,392 (3.2 percent).<sup>6</sup> In 2020, approximately 773,000 or 4 percent of Australians described themselves as being gay, lesbian or bisexual.<sup>7</sup>

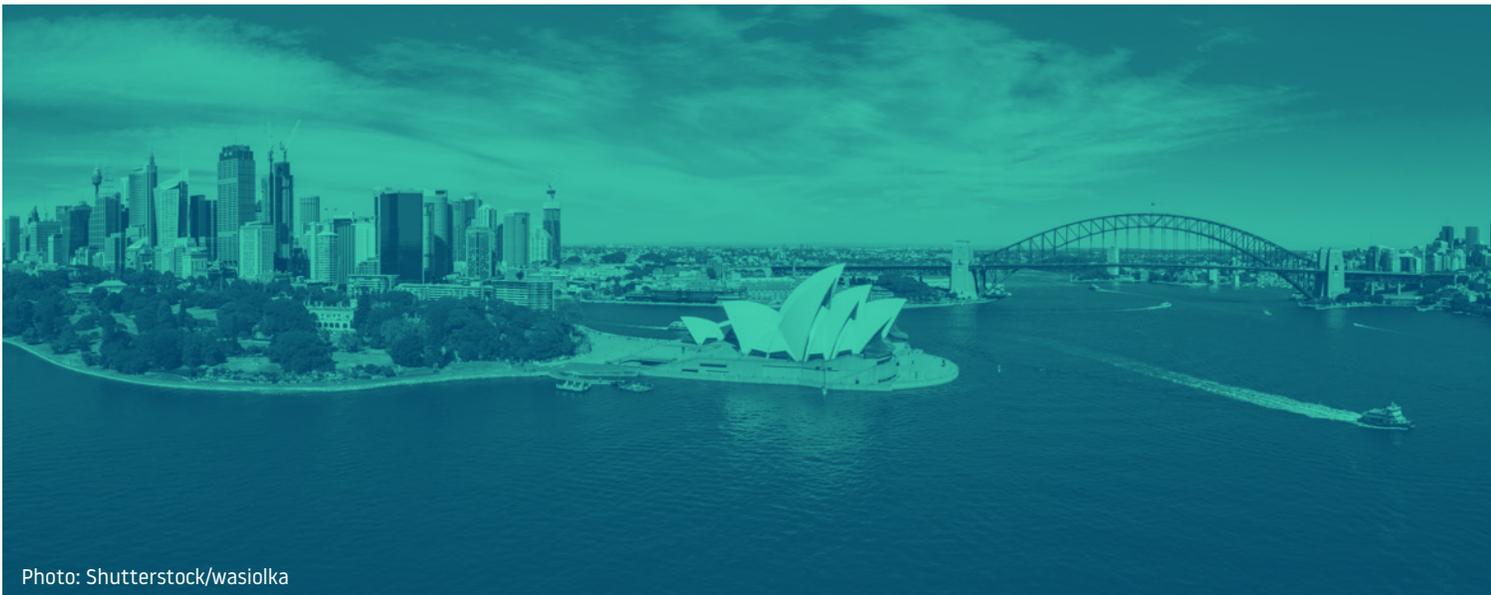


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**The last 10 years have seen considerable regression at the national level. Conservative governments have abandoned affirmative multicultural policies in favour of “mainstreaming” and placing emphasis on the responsibility of individual newcomers to adjust to Australian life.**

There are approximately 2.17 million temporary visa holders in Australia, of which around 672,000 are New Zealand citizens on Special Category Visas.<sup>8</sup> Long-established migrant communities, including one of the largest Greek populations outside of Greece,<sup>9</sup> combine with temporary residents in establishing a network of transnational ties between groups in Australia and the rest of the world.

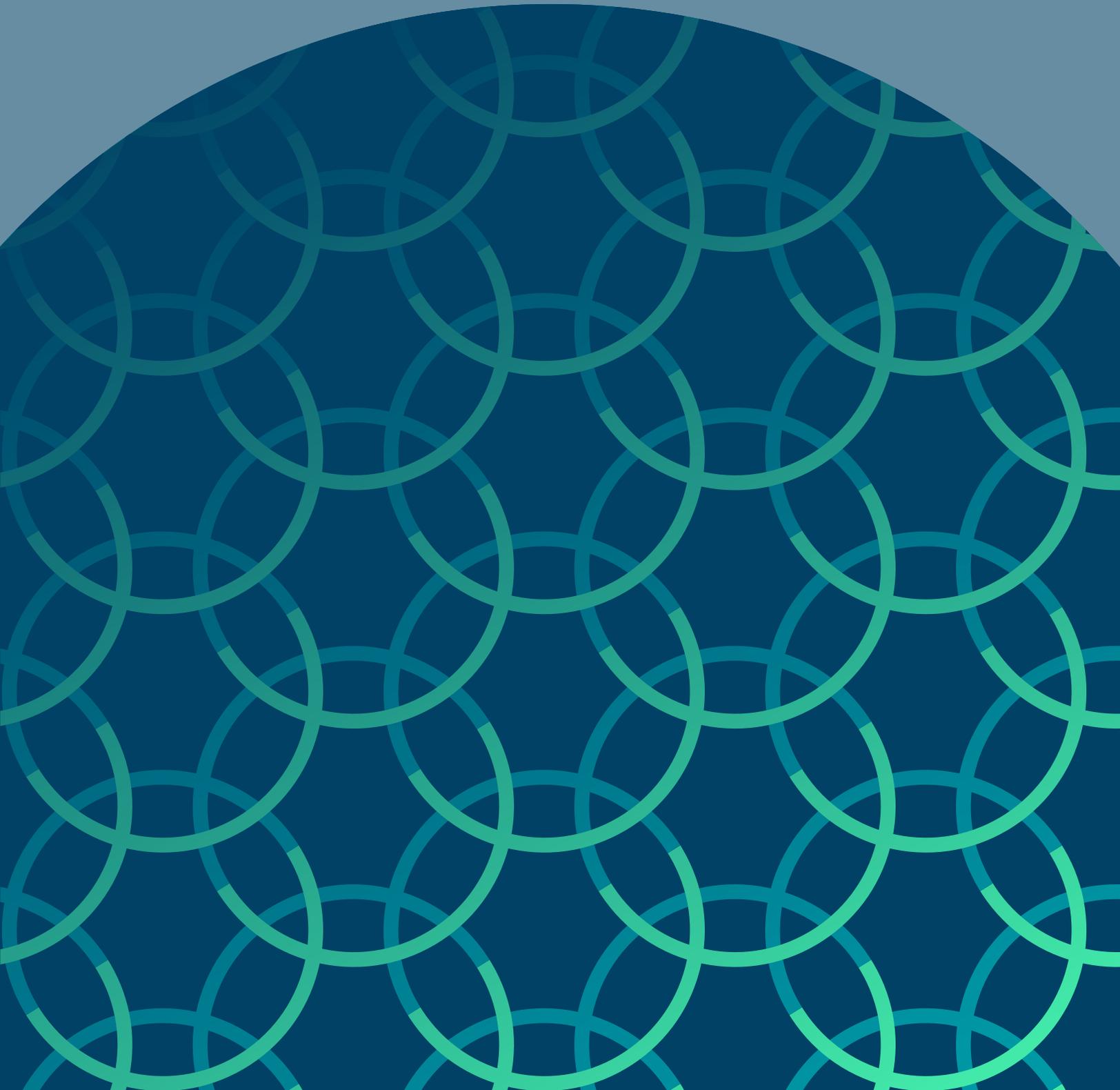
However, Australia’s experience with diversity has been an uneasy one. It begins with the British settlers of the eighteenth century holding that the continent was “substantially uninhabited” based on the misperception that Indigenous Peoples neither cultivated the land nor were governed by law/lore. This doctrine of *terra nullius* prevailed in Australian law until as recently as 1992. Furthermore, with the federation of the six colonies, the newly established Commonwealth of Australia passed the Immigration Restriction Act 1901, commonly known as the “White Australia policy,” which sought to exclude people of non-European ethnic origin from the immigration intake.<sup>10</sup> Thus, Australia’s initial response to diversity was racist, intolerant and exclusive.

Towards the end of the Second World War, a federal Department of Immigration was established and charged with formulating a national assimilation policy. In the mid-1960s, it changed focus to integration programs.<sup>11</sup> In 1972, under a reformist government, the White Australia policy officially ended, international human rights protocols were signed and anti-discrimination institutions and laws were introduced. Over the next four decades, governments developed and implemented a set of multicultural policies and programs that sought to ensure equal opportunities for Australians of all backgrounds. Different national governments brought varying degrees of enthusiasm to this task, while state and territory governments have done most of the work incorporating and delivering multicultural policies and practices for the past two decades. The last 10 years have seen considerable regression at the national level. Conservative governments have abandoned affirmative multicultural policies in favour of “mainstreaming” and placing emphasis on the responsibility of individual newcomers to adjust to Australian life.<sup>12</sup> The Albanese Labour government, elected in May 2022, promises a change to a more affirmative multicultural agenda.

The three groupings considered in this report are the following:

- **Indigenous Australians:** Aboriginal and Torres Strait Islander peoples;
- **CALD Migrants:** culturally and linguistically diverse migrants or those that are from non-European and non-English speaking backgrounds; and
- **Temporary migrants:** Those on a temporary visa of some kind, including visitors, international students, New Zealanders on 444 visas, temporary skilled visa holders and working holiday makers, as well as provisional visa holders, such as asylum seekers (refugees are part of permanent residency intake).

**PART I.  
COMMITMENTS**



# 1. INTERNATIONAL COMMITMENTS

## AVERAGE SCORE: 6

INDIGENOUS AUSTRALIANS | SCORE: 5

CALD MIGRANTS | SCORE: 7

TEMPORARY MIGRANTS | SCORE: 5

Australia has signed and ratified the following international human rights protocols which affect minority groups, including Aboriginal and Torres Strait Islander peoples (henceforth Indigenous Australians), culturally and linguistically diverse CALD background migrants and temporary migrants. These treaties and protocols include the following:

- Convention on the Prevention and Punishment of the Crime of Genocide (signed 1948, ratified 1949, but genocide was not a crime in Australia until 2002<sup>13</sup>);
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (signed 1966, ratified 1975). ICERD has since yielded some impactful complementary laws in Australia, including the Commonwealth Racial Discrimination Act 1975 and the Commonwealth Sex Discrimination Act 1984. These acts implement some but not all rights for women contained in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);<sup>14</sup>
- International Covenant on Economic, Social and Cultural Rights (ICESCR) (signed 1972, ratified 1975);
- International Covenant on Civil and Political Rights (ICCPR) (signed 1972, ratified 1980). Australia remains the only democracy not to have legislated the ICCPR's instruments into law. It has used the ICCPR instruments to support other conventions including ICERD;
- Convention Relating to the Status of Refugees and Protocol Relating the Status of Refugees (ratified 1954, protocol 1973). Australia agreed and is bound to the standards of protecting refugees. It further incorporated the Migration Act 1958 into its domestic legislation as its obligation to protect refugees.<sup>15</sup> However, Australian asylum-seeker policies continue to be subjected to marked international criticism.<sup>16</sup> In the recent 2021 Universal Periodic Review at the United Nations Human Rights Council, 47 UN member states challenged Australia's refugee and asylum policies and submitted 50 significant recommendations including Australian's offshore processing and the indefinite detention of children and asylum seekers;<sup>17</sup>
- CEDAW (signed 1980, ratified 1983);
- Convention on the Rights of the Child (CRC) (signed 1990, ratified 1990). Australia's obligations in implementing the CRC have been slower than expected. The CRC treaty reserves special rights for children. Australia agreed to complement the CRC with the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child

**At the governmental level, a long-standing suspicion of, and a deep-seated resentment towards, UN interventions in or commentary on Australian matters (especially, on the conservative side of politics) prevails.**

Prostitution and Child Pornography as well as other treaties important to protect children's rights, such as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT);<sup>18</sup>

- Convention on the Rights of Persons with Disabilities (signed 2007, ratified 2008); and
- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) (signed 2009, ratified 2017). The ratification of OPCAT further reinforces Australia's commitment to the universal human right for children in preventing torture and mistreatment. OPCAT allows a network of Australian inspectors to monitor places such as juvenile and immigration detention centres and prisons. Additionally, the ratification allows the United Nations (UN) Subcommittee on Prevention of Torture to periodically monitor the rights of refugee children in detention and people deprived of liberty.<sup>19</sup> However, Australia has yet to implement its instruments into laws, policies and practices.<sup>20</sup> The Australian government also continues to draw international condemnation for holding children as young as 10 years old criminally responsible, with many Indigenous youth being arrested by police, remanded in custody, convicted by the courts and imprisoned. In 2019, the UN Committee on the Rights of the Child recommended 14 years as the minimum age of criminal responsibility.

Australia has declined to sign or ratify the following protocols:

- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. This is an important covenant that Australia has yet to ratify. The decision by Australia not to ratify the Covenant was viewed through the lens of domestic laws instead of international laws. Efforts from the international community failed to encourage Australia to ratify it.<sup>21</sup> Australia argues that not only is this convention not compatible with its domestic migration policies but also migrant workers are protected by domestic laws such as the Age Discrimination Act 2004 and the Racial Discrimination Act 1975, the Fair Work Act 2009, the Migration Legislation Amendment (Worker Protection) Act 2008 and the Sex Discrimination Act 1984;<sup>22</sup>
- International Labour Organization's Indigenous and Tribal Peoples Convention. Only 23 member states (none from the Anglosphere) have ratified this (1989) Convention endorsing self-determination and rejecting integrationist/assimilationist approaches;
- UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. As a member state at UNESCO's General Conference, Australia voted for the Convention's adoption in 2003, but it is still not a state party to the Convention, despite its importance in Australians' commitment to the preservation of cultural and traditional rights of Indigenous peoples, migrants and the environment;
- UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions;
- Optional Protocol to the ICESCR (2013).;

- Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (2014); and
- International Convention for the Protection of All Persons from Enforced Disappearance (2010).<sup>23</sup>

The Australian Human Rights Commission (AHRC) monitors and provides independent reports on how Australia is meeting its national and international human rights obligations. At the governmental level, a long-standing suspicion of, and a deep-seated resentment towards UN interventions in or commentary on Australian matters (especially, on the conservative side of politics) prevails.

## 2. NATIONAL COMMITMENTS

### AVERAGE SCORE: 6

INDIGENOUS AUSTRALIANS | SCORE: 5

CALD MIGRANTS | SCORE: 7

TEMPORARY MIGRANTS | SCORE: 6

**The AHRC recommending recognition of Indigenous People in the Constitution is the first step in ensuring protection and fostering pluralism in Australia.**

Australian states and territories have legal frameworks that grant diverse groups complete and equal civil and cultural rights.<sup>24</sup> Most of these legal systems, including law enforcement agencies are, however, overshadowed by the lack of confidence in them among minority groups.<sup>25</sup> Purportedly, for most Australians, the orthodoxy of liberal democracy, and the supposed independent judiciary system and media have underpinned their political stability and prosperity, substantially protecting their basic rights and freedoms. However, this is not true for all Australians.

#### RIGHT TO EXIST

Despite Australia's signing and ratification of several conventions which, to an extent, are part of Australian law,<sup>26</sup> Indigenous Peoples continue to live with ramifications emanating from the lack of full protection of their basic human rights and freedom.<sup>27</sup> This is evident in their low quality of life and inequalities in education, health, housing, jobs, land and the environment.<sup>28</sup> Systemic racism and discrimination against the Aboriginal and Torres Strait Islander people are marked in the Australian legal systems with the comparatively high level of Aboriginal and Torres Strait Islanders engagement with different areas of the legal system. Some of these include the criminal, child protection and welfare systems.<sup>29</sup> The AHRC recommending recognition of Indigenous Peoples in the Constitution is the first step in ensuring protection and fostering pluralism in Australia. The recommendation also highlights that reformation of the Constitution should remove discriminatory provisions and replace them with a guarantee of non-discrimination and equal treatment.<sup>30</sup> This is despite Australia's anti-discrimination laws (including on racial age, disability, sex and religion) that also seek to ensure the rights of minority groups are protected.<sup>31</sup>

**Australia does not have a bill of rights, and there is no equal protection clause in the Australian Constitution; attempts to introduce one have failed.**

In 2008, a national apology was made to Indigenous Peoples and, especially, the Stolen Generations, for the suffering they endured.<sup>32</sup>

Native Title legislation (1993, amended in 1998, 2007 and 2009) that clarified the legal rights of landholders and the processes that must be followed for native title to be claimed, protected and recognized through the courts, increased recognition of Indigenous rights. A 2013 report found that Indigenous Peoples' interests are recognized formally through agreements or land title in well over half of Australia's land area.<sup>33</sup> But, at the federal level, progress has been very slow. In 2021, the federal government announced a \$378 million (AUS) reparations scheme for Stolen Generations survivors in the Northern Territory and Australian Capital Territory, and it called on the Western Australian and Queensland governments to similarly compensate Indigenous Peoples.<sup>34</sup> Indigenous Australians have embarked on a campaign for national reconciliation and constitutional recognition as the First Nations of Australia (described further below).

## RIGHT TO NON-DISCRIMINATION

Australia does not have a bill of rights, and there is no equal protection clause in the Australian Constitution; attempts to introduce one have failed. There have been only five cases in which Section 116 has been tested in the High Court. In each, the Court narrowly interpreted establishment and free exercise. In short, where a free expression of religion conflicts with a state interest, the state prevails. And the state may engage with religion in any way it chooses short of aiming to establish any religion or setting religious tests for public offices.<sup>35</sup> Generally, throughout Australia, it is unlawful to discriminate on the basis of age, disability, race and gender in public life, including education and employment. The lack of a bill of rights is offset by a web of statutory protections at the federal, state and territory levels. The Fair Work Act 2009 (Commonwealth, or Cth) covers all employees in Australia, including temporary migrants. It provides powers of investigation and enforcement of compliance regarding workplace rights and obligations and provides information in different languages. In 2013, the Australian government established national Guidelines on the Recognition of Sex and Gender.<sup>36</sup> The Racial Discrimination Act 1975 prohibits discrimination based on people's colour, immigration status, country of origin or ethnicity.<sup>37</sup> The Sex Discrimination Act 1984 seeks to provide equal opportunity to men and women in Australia and affects Australian international human rights obligations. The act was amended in 2013.<sup>38</sup> The Sex Discrimination Amendment (Sexual Orientation, Gender identity and Intersex Status) Act 2013 makes it unlawful to discriminate on a person's sexual orientation or gender identity. Under this act, same-sex couples are protected from discrimination under the definition of "marital or relationship status."<sup>39</sup> The Disability Discrimination Act 1992 prohibits discrimination based on people's disabilities and applies to education, access to public spaces, employment and the renting and buying of houses. This act covers people with temporary and permanent disabilities.<sup>40</sup> The Age Discrimination Act 2004 forbids discrimination based on age. Complimentary anti-discriminatory laws also exist at the state and territory levels and operate concurrently with the federal government laws prohibiting discrimination based on age.<sup>41</sup>

The situation regarding religion is more complicated. There are no laws at the federal level that widely forbid discrimination based on religion and beliefs in public life. Religious bodies and educational institutions enjoy some protection under the exemptions to the

**Ethnic minorities’ sense of acceptance and belonging is still largely tied to the legal protections against discrimination.**

provisions of the Sex Discrimination Act 1984 (Cth) and the Age Discrimination Act 2004 (Cth). The Australian Human Rights Commission Act 1986 provides some limited protection, empowering the AHRC to act on a complaint about religious discrimination in places of employment and can investigate complaints about acts or practices that violate freedom of religion or belief. However, its recommendations are non-binding and cannot be directed to a court. The Fair Work Act 2009 (Cth) prohibits employers from discriminating against people in the workplace on the basis of their religion.<sup>42</sup> Most states and territories prohibit discrimination on the basis of religious belief within their anti-discrimination laws.

In the past five years, protection of freedom of religion has been the focus of a number of federal political processes, which led to the passing of the same-sex marriage bill in 2016. The review led to the government drafting the Human Rights Legislation Amendment (Freedom of Religion) Bill 2019, which at the time of writing this report is at the second exposure draft stage.<sup>43</sup>

Anti-vilification provisions were incorporated as Part IIA (including Sections 18C and 18D) of the Racial Discrimination Act 1975 (Cth) through the Racial Hatred Act 1995 (Cth).<sup>44</sup> Though subsequent governments have sought to limit these, particularly 18C and 18D, they were abandoned due to sustained public opposition<sup>45</sup> and parliamentary defect.<sup>46</sup> While these attest to the Australian public’s abiding acceptance of anti-hatred laws, they also highlight how ethnic minorities’ sense of acceptance and belonging is still largely tied to the legal protections against discrimination.<sup>47</sup> These campaigns to reform the Racial Discrimination Act are part of a broader conservative and civil libertarian objection to the work of the AHRC, namely that it is preoccupied with social justice issues.

## **RIGHT TO THE PROTECTION OF IDENTITY**

Australia has mostly resisted recognition of Aboriginal customary law. The Australian Law Reform Commission (ALRC, 1977–86) inquired into Aboriginal customary law and recommended that customary law be recognized in several areas, including criminal investigation and criminal law, traditional marriages and children, hunting and fishing and broadly on matters of recognition. However, it recommended against establishing Indigenous courts. Implementation has proven painfully slow, as detailed further in Section 4 on Policy Implementation below.

Furthermore, there have been five national multicultural policy statements.<sup>48</sup> While successive Australian governments have lent their own emphases to the development of multiculturalism policies and brought varying degrees of enthusiasm to the task; all but the last policy statement incorporated, in some form, the same four provisions. These are the right of all Australians to maintain their cultural identities within the law; the right of all Australians to equal opportunities without fear of group-based discrimination; the economic and national benefits of a culturally diverse society; and respect for core Australian values and institutions—reciprocity, tolerance and equality (including of the sexes), freedom of speech and religion, the rule of law, the Constitution, parliamentary democracy and English as the national language.

Two important caveats apply. First, as noted above, the states and territories have pursued multicultural policy through legislative acts, charters, policy frameworks and

funding.<sup>49</sup> Second, many legacy multicultural policies and institutions remain in place, among them the Special Broadcasting Service (SBS), the Multicultural Access and Equity Policy and the National Ageing and Aged Care Strategy for People from Culturally and Linguistically Diverse Backgrounds.

Temporary migrants can access some but not all multicultural provisions. Some provisions, such as certain public interpreter and translator services, can only be accessed on a fee-for-service basis (see Section 14).

## RIGHT TO PARTICIPATION

Australians have rights to participate, notwithstanding the absence of a bill of rights. As noted above, extensive laws at the federal, state and territory levels protect against discrimination. Australians are compelled to participate in voting to elect federal and state (and, in some jurisdictions, local) representatives, completing the census and undertaking jury service if summoned.

Affirmative action has had some limited applicability in Australia. The main legislative instance was the Affirmative Action (Equal Opportunity for Women) Act 1986 (Cth). The Act was replaced by the Equal Opportunity for Women in the Workplace Act 1999 (Cth) and again reviewed and replaced by the Workplace Gender Equality Act 2012 (Cth). In public sector employment, the Public Service Act 1999 (Cth) offers commitments to non-discrimination and respect for diversity and people of all backgrounds in the context of a merit-based employment process (see Section 6). Today, many higher education institutions and non-public employers encourage applications especially from women and Aboriginal and Torres Strait Islander peoples.

Participation in mainstream political parties has elicited debate over the need for affirmative action. Initiatives by the Australian Labor Party (ALP) mean female representation is near parity for the party across the federal and state parliaments. The Liberal Party has consistently rejected affirmative action as a means for improving its female representation and has little more than a quarter of women across all Australian parliaments (see Section 6 for further discussion).<sup>50</sup>

Temporary residents and migrants are generally excluded from all such rights to participation, at least on the same terms and conditions enjoyed by citizens and permanent residents.

The only collective self-government rights that apply under Australian law are those devolved to the states and territories. A quasi form of self-government was the Aboriginal and Torres Strait Islander Commission that operated from 1990 to 2005. A body comprising Indigenous appointees was tasked with advising the government on matters and decisions affecting Indigenous communities. In 2017, the First Nations National Constitutional Convention issued the Uluru Statement from the Heart, an outcome of a national process of deliberation on suitable constitutional recognition for and by Indigenous Peoples. The Uluru Statement calls for incorporating a “First Nations Voice” in the Australian Constitution, and a Makarrata Commission to oversee a process of agreement-making and truth-telling between governments and Aboriginal and Torres Strait Islander peoples. The Uluru Statement was rejected by the government on the grounds that it would

amount to a third chamber in Parliament. The campaign for recognition continues, notwithstanding considerable political resistance.

## GENDER AND SEXUAL ORIENTATION

In 2017, the Marriage Act 1961 was amended to respect marriage equality and now defines marriage as “*the union of 2 people to the exclusion of all others, voluntarily entered into for life.*” The reform followed a difficult political process between public support for marriage equality and the ardent opposition of conservatives within the government coalition. A problematic public plebiscite, wherein rights were put to referendum regarding discrimination against same sex couples led to the change with 7,817,247 (61.6 percent) responding “yes” and 4,873,987 (38.4 percent) responding “no” amongst almost 80 percent of eligible voters.<sup>51</sup>

In 2019, the government launched the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022. The plan commits to five national priorities in the quest to reduce family, domestic and sexual violence.<sup>52</sup> Then, in 2020, the sex discrimination commissioner released her National Inquiry into Sexual Harassment in Australian Workplaces.<sup>53</sup> While agreeing in principle with or noting all 55 recommendations, the government announced it would implement just seven of the 15 legislative reforms<sup>54</sup> and rejected the recommended reform requiring employers take proactive steps to protect their employees rather than putting it on victims to initiate complaints, arguing such responsibility already existed under work health and safety laws. Yet, as the report makes clear, such laws are not working to protect women from sexual harassment.<sup>55</sup> The Sex Discrimination and Fair Work (Respect@Work) Amendment Bill 2021 is, at the time of writing this report, making its way through the legislative process.<sup>56</sup>

## 3. INCLUSIVE CITIZENSHIP

### AVERAGE SCORE: 7

INDIGENOUS AUSTRALIANS | SCORE: 7

CALD MIGRANTS | SCORE: 8

TEMPORARY MIGRANTS | SCORE: 6

Australia has generally encouraged its permanent migrants to become citizens. However, changes in recent times have made it more difficult to acquire Australian citizenship, including recent reforms to temporary and permanent resident visa categories, making the pathway to citizenship less accessible. One can become an Australian citizen in one of three ways: via birth in Australia to a parent that is a citizen or permanent resident of Australia; or by descent, born to an Australian citizen overseas; or by conferral. On the latter, the following can apply to become Australian citizens:<sup>57</sup>

- Australian permanent residents aged over 18;

**Changes in recent times have made it more difficult to acquire Australian citizenship, including recent reforms to temporary and permanent resident visa categories, making the pathway to citizenship less accessible.**

- children aged 16 or 17;
- children 15 years or younger applying with a parent or guardian;
- Commonwealth Child Migration Scheme migrants;
- eligible New Zealand citizens;
- partners or spouses of an Australian citizen; or
- refugees or humanitarian migrants.<sup>58</sup>

Take-up of Australian citizenship by those eligible is high compared to other countries in the Organisation for Economic Co-operation and Development (OECD). Sixty-four percent of permanent migrants who arrived in Australia in 2011 or earlier were Australian citizens by 2016. Humanitarian migrants had the highest uptake of Australian citizenship at 78 percent, followed by skilled (67 percent) and family visa holders (53 percent).<sup>59</sup>

There are several conditions that Australian permanent residents must meet to become Australian citizens by conferral.<sup>60</sup> These include the following:

- Having resided in Australia for a period of at least four years, at least one year as a permanent resident;
- Not having been absent from Australia for more than 12 months in the four years preceding the lodgment of citizenship application;
- Having been residing in Australia for at least nine months in the 12 months preceding the lodgment of the citizenship application;
- Being of good moral character;
- Having passed a citizenship test in English (unless over the age of 60);
- Be likely to reside, or to continue to reside, in Australia or to maintain a close and continuing association with Australia; and
- Be in Australia when the department decides on the application (in most cases).

While many temporary residents have no wish to stay, some temporary residents are ineligible to apply for permanent residency and thereby access citizenship.<sup>61</sup> Temporary residents are especially disadvantaged in accessing welfare, social services and publicly funded interpreter and translation support.<sup>62</sup>

No formal discrimination based on social identities or genders is applied to accessing citizenship. However, generally, individuals with HIV applying for permanent visas do not pass the health requirement test.<sup>63</sup> While there are very high pass rates on the citizenship test<sup>64</sup> and applicants can take the test an unlimited number of times, the answers to the tests are supplied in a preparation booklet and the test is not required for those with a mental or physical disability or who are under the age of 18 or over 60.<sup>65</sup>

**Temporary residents are especially disadvantaged in accessing welfare, social services and publicly funded interpreter and translation support.**

There are concerns on the prohibitive nature of the citizenship test and the English language component introduced in 2007. The application process has been criticized as being marred by one's obligation to adopt Australian values, way of life and history through the citizenship test.<sup>66</sup> Critics have described the process as the return of the White Australian policy due to the inclusion of the mandatory Australian values as a knowledge to be acquired.<sup>67</sup> The notion of migrants' learning and adopting Australian cultural values has been alluded to as protecting the Australian Anglo-Celtic majoritarian values.<sup>68</sup> This undermines pluralism through citizenship as inclusive citizenship means becoming a full member of the Australian community, which goes beyond mere voting for an election, to the feeling of belonging and the opportunity to fully participate in political decision-making.<sup>69</sup> While permanent residency is a prerequisite to obtaining citizenship, difficult policies around the skilled, family reunion and humanitarian migration exist. It is argued that the years lived in Australia before citizenship is acquired are supposed to, in part, ensure the adaptation to the Australian way of life. During this time, based on a bad character check, visas may be cancelled—all of which undermines inclusive citizenship. There have been ongoing political attempts to make the threshold higher still.<sup>70</sup>

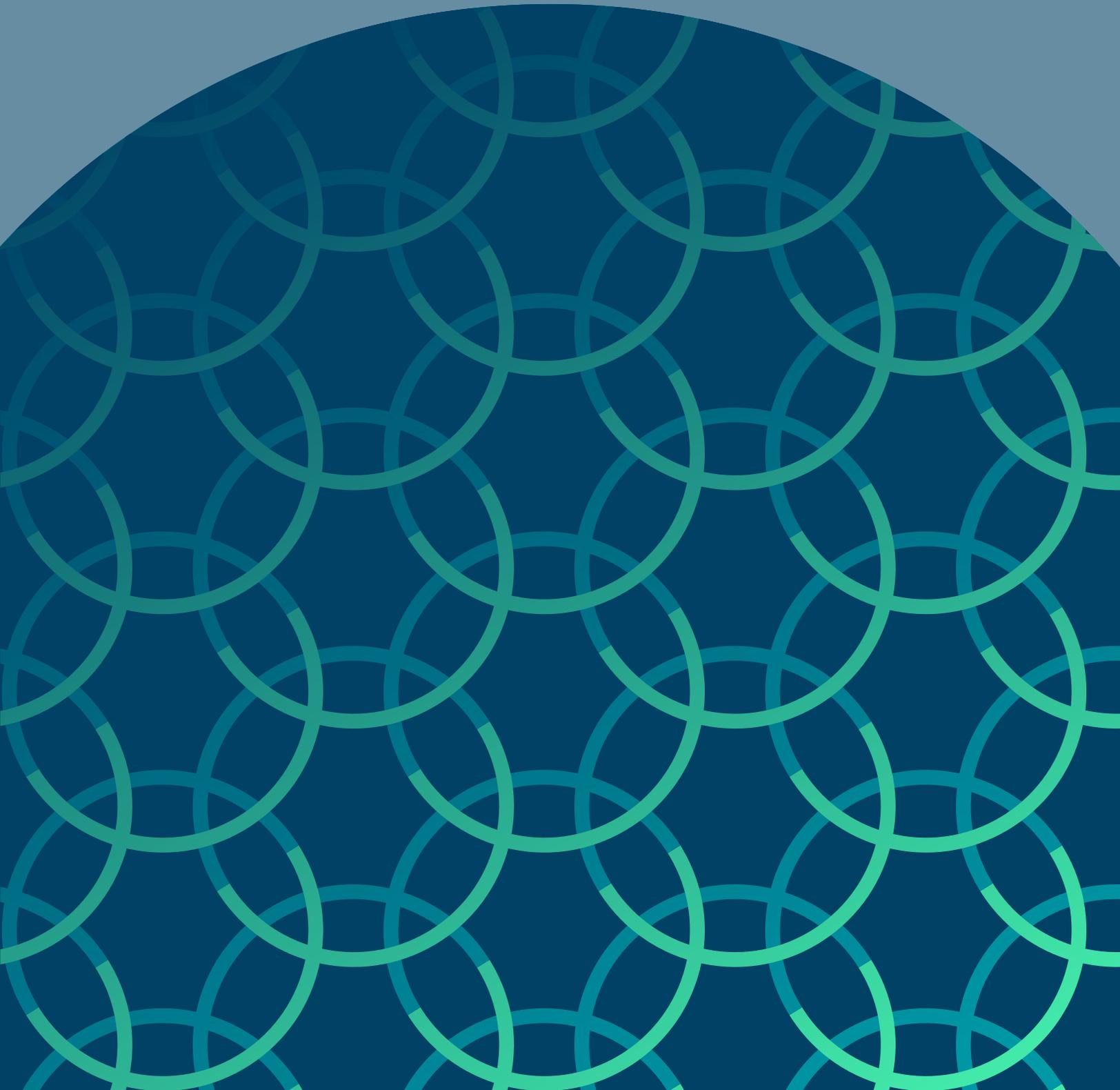
Other current grounds for refusing citizenship include failing to pass the character test, having a criminal record and being sentenced to at least a 12-month jail term and having left Australia for a substantial period after applying for citizenship. According to a recent report, the "character test remains the blurriest area for refusing someone's citizenship application as repeated traffic offences, and fraud charges can also be considered an indication of bad character."<sup>71</sup> An attempt to give the federal government stronger powers to cancel and refuse visas on character grounds was defeated in the Senate in 2021.<sup>72</sup>

Australia allows its citizens to have multiple citizenships. The Australian Citizenship Legislation Amendment Act 2002 (Cth) permitted Australian citizens to acquire other nationalities without losing their Australian citizenship. At the same time, only citizens with multiple citizenships, and not citizens by birth, may have their citizenship revoked. This "adds another dimension of inequality ... If you are only an Australian citizen, you cannot have that taken away."<sup>73</sup>

Dual or multiple citizens cannot stand for national election or sit as Members of Parliament (MPs) or senators of Parliament.<sup>74</sup> This caused a political crisis in 2017 and 2018, as eight senators and seven MPs, including the deputy prime minister, were found either to hold dual citizenship (sometimes without their knowledge) or not to have fulfilled the process of renunciation correctly.<sup>75</sup> The episode sparked a prolonged public debate about the relevance of Section 44 in a multicultural society and whether such a bar should be removed.<sup>76</sup>

Some commentary has suggested that the bar on dual citizenship *explains* the low representation of ethnic diversity in Parliament.<sup>77</sup> However, given the underrepresentation of even women in Parliament, the underrepresentation of ethnic diversity would appear to reflect factors other than the effect of Section 44 alone.<sup>78</sup>

**PART II.  
PRACTICES**



## 4. POLICY IMPLEMENTATION

### AVERAGE SCORE: 6

INDIGENOUS AUSTRALIANS | SCORE: 5

CALD MIGRANTS | SCORE: 7

TEMPORARY MIGRANTS | SCORE: 6

**The absence of equity in policy implementation among Aboriginal and Torres Strait Islander communities led them to lobby for system reform that accounts for Indigenous ways of thinking, being and doing in policies, programs and services.**

The federal government supports and implements a raft of measures regarding pluralism. The state and territory governments have implemented policy commitments to immigrant pluralism seriously. At the federal level, some important multicultural policies remain active, including the public multicultural broadcaster, SBS; the Multicultural Access and Equity Policy; the Multicultural Service Officer program and Harmony Day, as well as the Aged Care Diversity Framework. The government also recently introduced significant reforms to the Adult Migrant English Program, allowing more migrants a better chance of improving their English language proficiency.<sup>79</sup> Notwithstanding these initiatives, there have been notable lags in the implementation of government policies. For example, the Australian Multicultural Council, the government's key advisory body on multicultural affairs, sat dormant for eight months after the tenure of the appointed councilors had expired.

But, the lack of policy commitment and implementation concerning Indigenous communities is unequivocally clear. The absence of equity in policy implementation among Aboriginal and Torres Strait Islander communities led them to lobby for system reform that accounts for Indigenous ways of thinking, being and doing in policies, programs and services. This lobbying has focussed on self-determination, empowerment, trust, culturally appropriate and localized solutions, holistic and decolonizing approaches, strong cultural protective factors and resilience, and respecting the voices and choices of Indigenous Peoples.<sup>80</sup> In 2005, a proposal by the then Aboriginal and Torres Strait Islander social justice commissioner led to the federal government's associated Closing the Gap initiative in 2006. Over the past 15 years, there has been mixed progress in meeting the goals of Closing the Gap, with many targets unlikely to be met on time.<sup>81</sup>

Noted already is the government's rejection of the Uluru Statement as the vehicle for reconciliation with Indigenous Peoples and the slow, piecemeal implementation of the ALRC's recommendations regarding the recognition and incorporation of customary law, which reflects a failure to implement pluralism.<sup>82</sup>

The record of recent federal conservative governments on gender and migrant diversity policy displays a not dissimilar reticence. The government was reticent to address the sex discrimination commissioner's aforementioned report on *Sexual Harassment in Australian Workplaces* (2020).<sup>83</sup> It took over a year for any action to be taken.<sup>84</sup>

There have been five significant national parliamentary inquiries related to diversity in Australia in the last decade: *Inquiry into Migration and Multiculturalism in Australia*; *Ways of Protecting and Strengthening Australia's Multiculturalism and Social Inclusion*; *Inquiry into the Status of the Human Right to Freedom of Religion or Belief*; *Freedom of Speech in Australia*; and *Inquiry into Nationhood, National Identity and Democracy*.

**An unfortunate irony is that whereas recent governments have been too slow to act on Indigenous policy, diversity policy and sexual discrimination and harassment policy, they have managed to act with rapidity when it comes to reforming temporary resident visas and tightening their entitlements.**

The findings of all five inquiries have not been adequately responded to by the government, illustrating a lack of policy engagement and thus, implementation.<sup>85</sup>

On citizenship acquisition, over the past several years, there have been pronounced delays in the processing of citizenship applications for some permanent resident visa holders, especially refugee and humanitarian entrants.<sup>86</sup> An unfortunate irony is that whereas recent governments have been too slow to act on Indigenous policy, diversity policy and sexual discrimination and harassment policy, they have managed to act with rapidity when it comes to reforming temporary resident visas and tightening their entitlements.

## 5. DATA COLLECTION

### AVERAGE SCORE: 6

INDIGENOUS AUSTRALIANS | SCORE: 7

CALD MIGRANTS | SCORE: 6

TEMPORARY MIGRANTS | SCORE: 5

The Australian Bureau of Statistics (ABS) is an independent agency that collects and analyzes data for use by the Australian government and other organizations. It collects data on population, economics, health, labour, social, industry and environmental issues. It also conducts the country's census every five years.<sup>87</sup> There are no distinctive statistics on the inequalities for culturally diverse segments of the Australian population. Australia's data collection on diversity is inadequate; much the same applies to group-based inequalities.

Official statistics on the composition of groups based on ethnic and cultural inequality is a difficult task. This is despite the ABS' census collecting data that includes variables such as place of birth, language spoken at home, and identification of self-ancestry—all of which are inadequate for measuring cultural diversity in Australia.<sup>88</sup> Though the ABS data are collected systematically, gaps remain in areas of diversity.<sup>89</sup> For example, the *Leading for Change* report combined the 2016 and 2011 data regarding questions about ancestry and Aboriginal and Torres Strait Islander People's identification and showed that not only has cultural diversity increased over time but the Australian population might also be more diverse than previously reported.<sup>90</sup> Additionally, significant issues about group inequalities persist in the Australian legal system's framework, notably hate or bias crimes; the severity of these crimes is usually downplayed by law enforcement agencies and in political and media discourse. Yet, robust and official data from police and law enforcement agencies necessary for intervention strategies in redressing such inequalities in the legal systems are scarce, and the data are not available for public use.<sup>91</sup> Australia relies on academic institutions, community organizations, human rights agencies (e.g., the AHRC and state-based human rights and equal opportunities commissions) for data on group-based inequalities, particularly in the area of crime victimization and the protection of diverse communities.<sup>92</sup> Despite this data collection, many gaps exist. Other significant organizations that collect data in Australia include the Department of Health which collects data on health. The Household, Income and Labour Dynamics in

Australia Survey collects longitudinal data for over 17,000 Australians who are followed every year. Data on indicators such as economics, health, family life, income, education, employment and labour market are collected.<sup>93</sup> Other key surveys include the Australian Values Study, Building a New Life in Australia, General Social Survey (GSS) and Growing Up in Australia: A Longitudinal Study of Australian Children, Footprints in Time: The Longitudinal Study of Indigenous Children and the National Aboriginal and Torres Strait Islander Health and Social Surveys.<sup>94</sup>

The two notable exceptions to this situation are Indigenous Australians and women (see Table 1.1). There is extensive data on Indigenous Australians' disparate rates of morbidity, longevity, health, education, incarceration and deaths in custody,<sup>95</sup> including information on the experience of Indigenous women and girls.<sup>96</sup> There is also good data collected on women in Australia, including socio-demographics, health, income inequality and survey data tracking sexual harassment and family violence.<sup>97</sup>

The rubric "ethno-racial communities" is not deployed in Australia; however, migrants and people from culturally and linguistically diverse backgrounds (CALD) are established categories. Yet, the ABS's regular data on the income, health, crime and education of migrants is generic, based on the recency of migration and visa status and not disaggregated by ethnic, cultural or linguistic identification. The government's Australian Institute of Health and Welfare provides scattered data on some health and well-being indicators for migrants collectively, not disaggregated into particular communities.<sup>98</sup>

**Table 1.1**  
**Available data on issues by group**

THEME	TEMPORARY MIGRANTS	CALD MIGRANTS	INDIGENOUS GROUPS	GENDER	LAST UPDATED	ACCESSIBILITY	COLLECTED BY	PROTECTION [OF DATA]
Income	✓				14/02/2019	Closed source	ABS <sup>99</sup>	Yes
		✓	✓	✓	12/06/2020	Open source	ABS <sup>100</sup>	No
				✓	18/12/2020	Open Source	ACOSS with UNSW Business School <sup>101</sup>	No
Crime		✓	✓	✓	13/04/21 2020	Open source	ABS <sup>102</sup> NSW Corrective Services <sup>103</sup>	No No
		✓			01/06/1992	Open source	AIHW <sup>104</sup>	No
Health			✓	✓	11/12/19, 2020		ABS <sup>105</sup> , AIHW <sup>106</sup>	No
				✓	19/11/20		Closing the Gap <sup>107</sup>	No
Education			✓	✓	2019,	Open source	AIHW <sup>108</sup> , ABS <sup>109</sup>	No
			✓	✓	4/12/2020		Closing the Gap <sup>110</sup>	No
		✓		✓	2020 11/11/2020		ABS <sup>111</sup>	No
Electoral Data			✓		30/06/2020	Open source	AEC <sup>112</sup>	No
			(enrollment & members elected only)		12/11/2020			

**The sporadic and limited data on Australia's CALD and temporary migrants is both anomalous and untenable given that half the current population was either born overseas or has a parent born overseas.**

Matters are better regarding cultural diversity among both older people<sup>113</sup> and those suffering from mental illness. In 2013, the National Mental Health Commission funded a Mental Health in Multicultural Australia project to research and profile the needs of people suffering mental illness from culturally and linguistically diverse communities.<sup>114</sup> This was followed by the current Embrace Multicultural Mental Health project. Beyond government, a cadre of academic researchers has been building an evidence-based, community-specific understanding of this special sector of the community.<sup>115</sup>

The Refugee Council of Australia provides some statistical data on refugees and asylum seekers, while academic researchers are mostly relied on to fill this void.<sup>116</sup>

National data gathering on temporary migrants is even sparser than that on CALD migrants and refugees. The ABS combined datasets from the 2016 census and housing and temporary visa holders' data from the Department of Home Affairs.<sup>117</sup> As the ABS notes, this initiative marks the first-ever release of such integrated microdata on temporary residents, including employment, income and housing. However, the data is far from comprehensive and can only be accessed upon application to the ABS.

The Australian Electoral Commission (AEC) supplies enrollment data of Indigenous Australians and maintains a list of elected Indigenous parliamentarians. It does not perform the same service for migrant communities. The AEC's mandate does not include analyzing voting behaviour and trends nor surveying opinions on policies. Australia is poorly served in these respects, where polling and research typically focus on mainstream Christian groups.<sup>118</sup> Polling organizations rarely canvas the views or political leanings of specific ethnic or faith communities.<sup>119</sup> Public discussions and even academic analyses largely make do with antiquated surveys and anecdotal or impressionistic information often supplied by community insiders.<sup>120</sup> Most of the work on "ethnic voting" infers dispositions from electoral results in "ethnic electorates" where at least 15 percent of the residents were born in a non-English speaking country.<sup>121</sup> The dearth of ongoing reliable survey data on the country's ethnic and religious minorities is an obstacle to evidence-based analysis of patterns and trends in the nation's politics.

The sporadic and limited data on Australia's CALD and temporary migrants is both anomalous and untenable given that half the current population was either born overseas or has a parent born overseas.

Until the multicultural era, post-war research in this area was almost wholly undertaken by academics. Jakubowicz observed, "Australia has a long history of using social science and historical research to help illuminate government policy in the field of immigration and cultural relations."<sup>122</sup> Australia's multiculturalism turn led to the establishment of a new research institute, the Australian Institute of Multicultural Affairs, in 1979.<sup>123</sup> The Institute commissioned and conducted research and created "a repository of literature and other material" on diversity but was abolished 10 years later.<sup>124</sup> Others followed with even shorter periods of operation. The dearth of relevant data and research was noted by a parliamentary inquiry in 2013, which was rejected in 2017 by the government dismissing the need for establishing an independent research body and instead touting the ability of "government departments and agencies to collect, analyze and share data on the cultural and linguistic diversity of their client base' in conjunction with academic researchers."<sup>125</sup>

As a result, Australia's research capacity on cultural diversity has been limited. Castles et al. contended that "[t]he demolition of Australia's independent research capacity has led to a severe deficit in the capacity to analyze existing transformations and future trends."<sup>126</sup> Similarly, a 2018 report by the AHRC noted that Australia does not collect comprehensive data on cultural diversity.<sup>127</sup>

The COVID-19 pandemic exposed the problems of poor research. As cases spiked in 2020, "it was revealed that even Australia's National Notifiable Diseases database lacked data on the ethnicity, language spoken, and country of birth of Australian residents."<sup>128</sup>

## 6. CLAIMS-MAKING AND CONTESTATION

### AVERAGE SCORE: 5

INDIGENOUS AUSTRALIANS | SCORE: 5

CALD MIGRANTS | SCORE: 6

TEMPORARY MIGRANTS | SCORE: 4

**Claims-making is normatively accepted, even routine, and there are celebrated national examples predating federation, such as the women's suffrage movement in the late nineteenth century, that continue to reverberate in the national imagination.**

Australia has a robust democratic culture. Claims-making is normatively accepted, even routine, and there are celebrated national examples predating federation, such as the women's suffrage movement in the late nineteenth century,<sup>129</sup> that continue to reverberate in the national imagination. Australians do not fear repression or punitive action by the state in prosecuting their claims. Civilian demonstrations and public protests are permitted, though they typically require permits and that they remain orderly. Petitioning the government and approaching one's local MP are also commonplace.

The Scanlon Foundation's annual Mapping Social Cohesion Survey<sup>130</sup> found that, within the last three or so years, 55 percent of respondents had signed a petition, 28 percent had posted something about politics online, 21 percent had attended a political or problem orientated meeting, 20 percent had written or spoken to a federal or state MP, and 18 percent had joined a boycott.<sup>131</sup>

Various legal, quasi-legal and formal institutions exist to facilitate claims-making. For example, the AHRC is empowered to pursue complaints received by individuals in regard to discrimination, harassment and bullying on grounds including the following:<sup>132</sup>

- sex, including pregnancy, marital or relationship status including same-sex and de facto status, breastfeeding, family responsibilities, sexual harassment, gender identity, intersex status and sexual orientation;
- disability, including temporary and permanent disabilities; physical, intellectual, sensory, psychiatric disabilities, diseases or illnesses; medical conditions; work related injuries; past, present and future disabilities; and association with a person with a disability;
- race, including colour, descent, national or ethnic origin, immigrant status and racial hatred; and
- age, covering young people and older people.

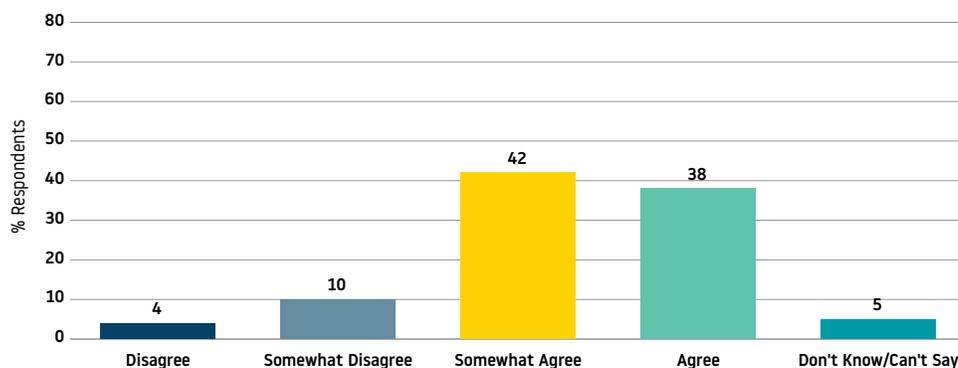
**For those who arrive to fill employer sponsored positions, the loss of sponsorship can mean having to depart the country. This precariousness inherently increases the leverage employers have over these workers and greatly reduces the latter's bargaining power.**

The Fair Work Commission, which administers the provisions of the Fair Work Act 2009 (Cth), adjudicates claims relating to employment conditions. The Fair Work Ombudsman provides a source of information and advice to individuals, businesses and employers about workplace rights and obligations. In recent years, a number of businesses and industries have been exposed and penalized for violating fair work conditions for temporary migrants.<sup>133</sup> Most sizeable firms and businesses provide recourse to “in-house” complaints mechanisms and protocols.

Temporary migrants experience a range of difficulties directly related to their visa status. For those who arrive to fill employer sponsored positions, the loss of sponsorship can mean having to depart the country. This precariousness inherently increases the leverage employers have over these workers and greatly reduces the latter's bargaining power regarding work schedules and conditions and allowance for their cultural commitments, even where the employers' demands may be illegal.

In Australia, there is evidence of the strategic long-standing shrinking of civil society associations including unions, religious and not-for-profit organizations due to strategies designed to block advocacy and to encourage these organizations to undertake service delivery instead.<sup>134</sup> This, in turn, has implications for limits on gathering spaces that would otherwise foster discussion, interpretation and actions on political lives; thus, making it difficult for people to fully participate in democracy.<sup>135</sup> In 2014, the Scanlon Foundation surveys highlighted Australians ambivalence about democracy.<sup>136</sup> This is reflected in the most recent survey by the Centre's *Pluralism Perceptions Survey* where only about 38 percent of participants believed that democracy works well in Australia, shown in Figure 1.1. The composition of this Australian data was comprised of participants who identified as Australians, Europeans and Americans (70 percent), Asians (12 percent), Oceanian and Sub-Saharan African (2 percent) and Aboriginal and Torres Strait Islander peoples (1 percent). Those who identified themselves as Other or “declined to say” made up 14 percent. As such, the interpretation must be taken into consideration throughout this report.

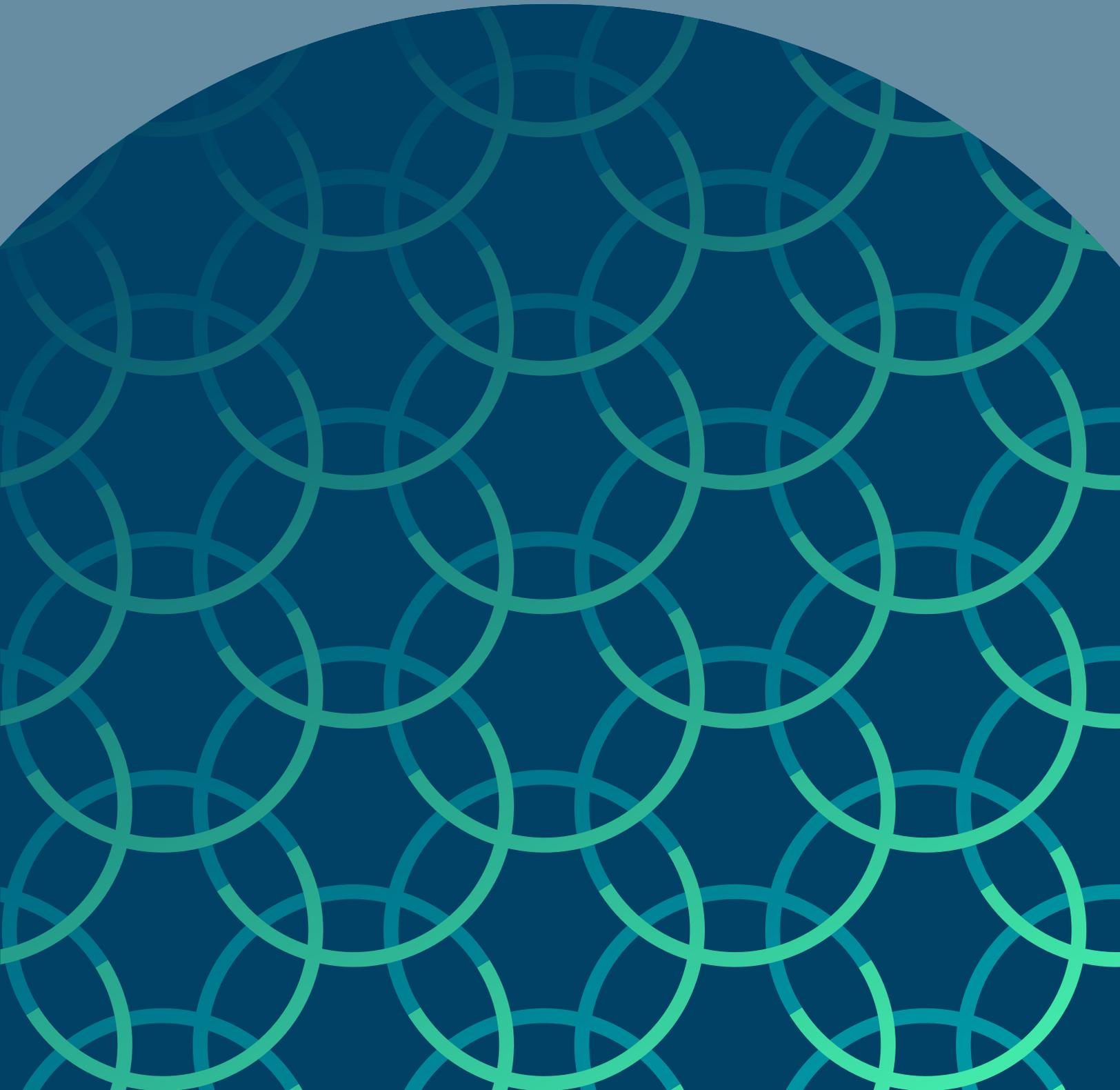
**Figure 1.1**  
**Belief that democracy works in Australia**



**There is evidence that advocacy and lobby groups for people of colour and those experiencing discrimination from organizations such as the AHRC and the Asian Australian Alliance have limited teams and resources to carry out their duties**

In a diverse society such as Australia, solidarity across differences promotes unity and fosters success in seeking justice through contestation. However, studies have shown that the real justice needed to make claims and engage in peaceful contestation in Australia can never be achieved without justice for Indigenous Peoples. Such justice may give rise to the assembly for good political discourse which may enhance participation in claims-making among the Aboriginal and Torres Strait Islander peoples. This would encourage fair decision-making processes and the affirmation of participation, unity and collaboration.<sup>137</sup> Furthermore, there is evidence that advocacy and lobby groups for people of colour and those experiencing discrimination from organizations such as the AHRC and the Asian Australian Alliance have limited teams and resources to carry out their duties.<sup>138</sup>

**PART III.  
LEADERSHIP FOR PLURALISM**



## 7. POLITICAL PARTIES

### AVERAGE SCORE: 5

INDIGENOUS AUSTRALIANS | SCORE: 6

CALD MIGRANTS | SCORE: 5

TEMPORARY MIGRANTS | SCORE: 3

**As of September 2022, total female representation by party across all parliaments – federal, states and territories (including both chambers as applicable) – has the Greens highest with 59 percent, the ALP averages 48.4 percent, the Liberals 30 percent, and the Nationals with 28.3 percent.**

There are notable differences between the three main parties in their espousal of pluralistic values.

Table 2.1 below compares the Liberal, Labor and Greens parties on the extent to which 16 “diversity” keywords or word-clusters appear in their official party platforms for the 2022 election.

All three parties address Indigenous issues to a considerable extent. In doing so, the Liberals refer to “Indigenous” communities and issues, while both Labor and the Greens overwhelmingly refer to “First Nations” peoples, signaling a more thoroughgoing recognition. The Greens make a point of keeping justice for the Stolen Generations in sight.

Of the three parties, Labor (ALP) is the most encompassing and supportive of social and cultural pluralism, addressing all 16 diversity themes in its platform statement. Significantly, it uses the language of inclusion and inclusiveness far more than the other two parties (the Greens do not use these terms at all). It also refers more to diversity, migrants and migration, temporary residents and/or temporary visas, and to multiculturalism, though, on the latter, the frequencies are low and the difference to the Greens is marginal. The ALP platform states that it is the “party for, and of, multiculturalism.” The Greens, however, are the only party of the three to commit to enshrining multiculturalism principles in a legislative act.

The Liberals’ single reference to “multiculturalism” occurs in reporting a survey’s findings. They richly deploy the adjective “multicultural” (much more so than Labor and the Greens), however, this does not indicate commensurate support for affirmative multicultural programs. The Liberals’ platform promises to increase funding for the multicultural broadcaster, SBS, and to provide some modest assistance for community newspapers facing rising costs. It also commits to protecting the rights of faith communities (the rights of other cultural communities go unmentioned). Otherwise, the emphasis is on commonality rather than diversity: policies and programs that foster social cohesion and “strengthen communities” by assisting migrants to integrate and acculturate to Australia.

Interestingly, both Labor and the Liberals refer to “CALD” groups some eleven times, whereas the Greens do not use this category.

Another contrast concerns the treatment of prejudice, with the Greens emphasizing racism and Labor emphasizing discrimination. The Liberals are comparatively light on both. Labor and the Greens are also strongly attentive to sexual harassment and sexual violence against women and equality for LGBTIQ+.

**Table 2.1**  
**Comparison of the major party platforms<sup>139</sup> on ‘diversity’ keywords by number**

KEYWORD MENTIONS IN NATIONAL 2022 PLATFORM	LIBERAL <sup>140</sup>	LABOR <sup>141</sup>	GREENS <sup>142</sup>
First Nations	3	105	101
Indigenous	45	17	10
Stolen Generations	0	2	11
Diversity (re: culture/society)	4	12	7
Inclusion/Inclusive (re: society/groups)	2/0	5/20	0/0
Multiculturalism	1	5	3
Multicultural (society/nation/communities)	49	11	24
CALD, Culturally & Linguistically Diverse	11	11	0
Migrants/Migration	11/1	18/64	2/0
Temporary residents/visas/protection visas	5	13	8
Racism/Racist	0/4	4/0	41/20
Discrimination	6	40	12
Sexual Harassment/ Violence/Abuse/Assault	11	22	20
Gendered Violence	0	5	1
Sexism/Sexual Orientation/Gender Identities (incl. queer, bisexual & homosexual)	1	44	3
LGBTIQ+ (acronym itself)	0	21	33

Representation of diversity within the parties’ own ranks is also wanting, even if, in the case of women, Australia performs better than the legislatures in Canada, the United Kingdom (UK) and the United States (US).<sup>143</sup> In the current (47<sup>th</sup>) Parliament, 46.8 percent of the federal lower house’s ALP MPs are female, compared with the Liberals’ 21.4 percent and the Nationals’ 14.2 percent (2 of 14 members). Nine of the ten Independents are women. In the Senate (federal upper house), the ALP, the Nationals and the Greens each have majority female representation (ranging from 66.7 to 69.2 percent); the Liberals have 38.5 percent.<sup>144</sup> In the 2022 election, Labor and Liberal women candidates were again disproportionately placed to contest marginal rather than safe ALP or Liberal seats.<sup>145</sup>

As of September 2022, total female representation by party across all parliaments – federal, states and territories (including both chambers as applicable) – has the Greens highest with 59 percent, the ALP averages 48.4 percent, the Liberals 30 percent, and the Nationals with 28.3 percent.<sup>146</sup>

There have been sixteen Indigenous federal parliamentarians in the history of the Commonwealth, five of whom entered Parliament in the 2022 general election. Of the sixteen, nine were elected as Labor members, three as Liberals (one of whom defected to be an Independent), one as an Independent, and one each representing the Australian Democrats, Country Liberal Party and the Greens. Ten of the sixteen Indigenous parliamentarians have been women. Eleven were elected on Senate tickets. The first Indigenous member of the House of Representatives (Ken Wyatt, LIB, who served as Minister for

**There are currently a record eleven Indigenous parliamentarians at the national level. With eight Indigenous Senators in a chamber of 76 Senators, there is for the first time a modest overrepresentation of Indigenous Australians in the Senate.**

Indigenous Australians), was elected in 2010, while the first Indigenous female member of the House of Representatives (Linda Burney, ALP), was elected in 2016. There are currently a record eleven Indigenous parliamentarians at the national level. With eight Indigenous Senators in a chamber of 76 Senators, there is for the first time a modest *overrepresentation* of Indigenous Australians in the Senate (10.5 percent to 3.2 percent in the overall population), and even a small overrepresentation in the Parliament overall (4.9 percent of the 227 members and senators).<sup>147</sup>

The current ethnic profile of the parties is not readily accessible.

In the 45th Parliament elected in 2016, fewer than 20 of the then 226 federal parliamentarians had a non-English speaking background, and little changed following the 2019 election.<sup>148</sup> The underrepresentation is particularly pronounced in the case of Australians with Asian backgrounds. An AHRC report in 2018 found that only 4 percent of federal MPs (excluding the ministry) were of non-European ancestry, although the latter constituted 19 percent of the Australian population.<sup>149</sup> Of the 30 members of the ministry, 83.4 percent had an Anglo-Celtic background, another 13.3 percent had a European background, while there was one Indigenous member and no others were of non-European background.<sup>150</sup> In the 2019 election, only three candidates with Asian ancestry were elected to the 151-seat House of Representatives (i.e., some 2 percent of the chamber that forms government).<sup>151</sup> Among the three was the first Chinese-Australian woman elected to the federal lower house.<sup>152</sup>

The current (47<sup>th</sup>) parliament elected in 2022 marks some progress. Whereas in the previous two parliaments only around 4 percent of all parliamentarians came from a non-European or Indigenous background, the current parliament saw that figure jump to 10 percent. However, this still grossly underrepresents the estimated 24 percent of people from such backgrounds in the Australian population. The Albanese government also achieves some milestones in minorities assuming cabinet posts, with the first Foreign Minister who is Asian-Australian (Penny Wong), the first First Nations woman to be Minister for Indigenous Affairs (Linda Burney) and the first female Minister who is Muslim, with Dr. Anne Aly leading the Early Childhood Education and Youth portfolios.<sup>153</sup>

On the positive side there has been increasing public attention devoted to the lack of diversity in the nation's legislatures.<sup>154</sup> A 2019 poll found that 71 percent of Australians wanted a more diverse Parliament.<sup>155</sup> And a number of current state party and recent minor party leaders have come from non-English speaking backgrounds.<sup>156</sup>

A discussion of parties and pluralism in Australia must also address the power of minor parties to impact Australian politics and broader public discourse. For example, the One Nation Party has, for nearly 25 years, expounded xenophobic, anti-Asian, anti-multiculturalism and anti-politics politics.<sup>157</sup>

Minority communities continue to raise concerns about the behaviour of major (right-wing) political parties. For example, the recent "African gangs controversy", fueled by Liberal Party political rhetoric, was divisive and undermined political leadership for pluralism.<sup>158</sup> The Home Affairs Minister at the time, Peter Dutton, suggested that Victorians were too scared to go out to restaurants in the wake of incidents involving some individuals of South Sudanese background.<sup>159</sup> This stereotyping has further been

highlighted by various academics and human rights organizations who continue to emphasize how culturally diverse community individuals are represented as victims of the Australian system and often portrayed as a threat to the Anglo-Australian way of life.<sup>160</sup> As such, major political parties' engagement with the Australian media has been shown to undermine or suppress pluralism. For the political parties to espouse the values of pluralism, the actors of major political parties must aspire to use the media to balance news that reflects the diversity of Australian multicultural communities. News coverage should not be skewed towards the perceptions of white Australians as is currently the case.<sup>161</sup>

## 8. NEWS MEDIA

### AVERAGE SCORE: 4

#### A. Representation | Score: 4

INDIGENOUS AUSTRALIANS | SCORE: 4

CALD MIGRANTS | SCORE: 5

TEMPORARY MIGRANTS | SCORE: 3

#### B. Prominence of Pluralistic Actors | Score: 5

INDIGENOUS AUSTRALIANS | SCORE: 6

CALD MIGRANTS | SCORE: 6

TEMPORARY MIGRANTS | SCORE: 3

**A marked factor undermining pluralism is the one-sided workforce and leadership positions which are largely culturally monolithic in their whiteness.**

In practice, the obvious lack of diversity promotes negative media narratives and discourses to continue to convey a picture of exclusiveness. The lack of diversity in Australian journalism (meaning language, gender, ethnicity and age) is a contributing factor.<sup>162</sup>

A marked factor undermining pluralism is the one-sided workforce and leadership positions which are largely culturally monolithic in their whiteness. This is because the Australian media is largely represented by middle-aged white men, and the composition of the leadership is overwhelmingly individuals from Anglo-Celtic backgrounds.<sup>163</sup>

The public multicultural SBS, which spans television, radio and online services, is one of the enduring legacies of early multiculturalism policy and leads the advance of media diversity nationally. In addition to its English-language broadcasting, SBS offers news and entertainment in many languages.<sup>164</sup> Today, it draws audiences from across the nation's population. In recent years, the national public broadcaster, the Australian Broadcasting Corporation (ABC), has increased minority ethnic representation among its newsreaders and public-facing personnel.

**Australia's nearly unrivalled concentration of media ownership has historically worked and continues to work against a pluralistic media environment**

In contrast, commercial media outlets do not represent diversity well. A three-year study of diversity in the Australian media conducted by Media Diversity Australia with researchers from four Australian universities, found the following:

- At all networks other than SBS (where 76.6 percent of presenters, commentators and reporters have a non-European background), people with non-European backgrounds comprise less than 10 percent of presenters, commentators and reporters; and on commercial networks, they count for less than 5 percent, despite constituting 21 percent of the Australian population;
- No Indigenous presenters, commentators or reporters were identified at Channel 7, a commercial network, and there was only one each at Channel 9 and 10. Even at SBS, Indigenous presenters, commentators or reporters comprised only 0.2 percent of the sample;
- One hundred percent of free-to-air television national news directors have an Anglo-Celtic background and are all male;
- Board members of Australian free-to-air television are also overwhelmingly Anglo-Celtic. Of the 39 directors, there is only one who has an Indigenous background and three who have non-European backgrounds;
- In a survey completed by more than 300 television journalists, more than 70 percent of participants rated the representation of culturally diverse people in the media industry as either poor or very poor; and
- Seventy-seven percent of respondents with culturally diverse backgrounds believe their heritage is a barrier to career progression.<sup>165</sup>

Similarly, a Screen Australia inquiry reported a pronounced underrepresentation of non-Anglo-Celtic Australians in locally made TV drama.<sup>166</sup>

Australia's media landscape is divided. There is a multitude of ethnic community newspapers and broadcast media that reflects the country's diverse society, but the mainstream media does not. A recent report on Australian news media arguably identifies part of the problem: "Australia's nearly unrivalled concentration of media ownership has historically worked and continues to work against a pluralistic media environment."<sup>167</sup> Such structural factors are, however, aided and abetted by ingrained cultural predilections. These require addressing much more forthrightly by all parties concerned, not least by policy-makers in government and by media organizations.

The heavy lifting in support of Australian diversity among news media actors is mainly done by media bodies through their publications, editorials and programming. The two public broadcasters, SBS, as the multicultural broadcaster, and, more controversially, ABC (given its charter commitment to political neutrality), are strong defenders of diversity in the community (even if they sometimes fall short in their own staffing). Both main metropolitan dailies, *The Sydney Morning Herald* and *The Age* (Melbourne), along with *The Guardian* (Australia), provide centre and centre-left commentary and editorial support in defense of diversity values. For many years, *The Australian* (part of the Murdoch newspaper stable) has taken a keen and supportive interest in Indigenous affairs. *The Saturday Paper*, *The Monthly* and the *Quarterly Essay* from the Black Inc. stable in Melbourne and *New Matilda* provide more boutique avenues for critical leftist commentary and support for multicultural Australia. *The Conversation*, *Australian Review of Public Affairs* and *On Line Opinion* are open fora that invite a wider canvassing of views, though tend to be pro-diversity and pluralism overall. More specialist media

**The lack of diversification in the media systematically undermines pluralism through exclusionary negative narrations and discourses. As such, views from the news media outlets are not representative of the general population and are usually interpreted as prejudiced and discriminatory against minority groups.**

outlets (though not news) include *Arena* and *Arena Magazine*, *Griffith Review* and *Australian Book Review*.

At the individual level, a dozen or so prominent media actors routinely promote and defend Australia as an inclusive and pluralistic society. They include broadcasters and columnists Phillip Adams and Waleed Aly; Indigenous journalist Stan Grant; journalist David Marr; academic, broadcaster and newspaper commentator, and contributing editor to *The Australian* Peter van Onselen; author, journalist, radio and television presenter (and chair of the Republic Movement) Peter FitzSimons; former race discrimination commissioner, now academic and occasional newspaper columnist Tim Soutphommasane; ABC senior producer Rachael Kohn; ABC presenter Virginia Triolli; feminist commentator Eva Cox; academic Catharine Lumby; editor of ABC's Ethics and Religion website Scott Stephens; journalist and broadcast compere Julia Baird; satirists Juice Media; comedian Shaun Micallef; and, before he lost his voice to cancer, politics professor Robert Manne, long named as Australia's best-known public intellectual. The brevity of this list is in contrast with the legion of prominent conservative and libertarian critics of multiculturalism and "identity politics" in Australian media.

Consequently, the lack of diversification in the media systematically undermines pluralism through exclusionary negative narrations and discourses.<sup>168</sup> As such, views from the news media outlets are not representative of the general population and are usually interpreted as prejudiced and discriminatory against minority groups.<sup>169</sup> This is evident in a report that analyzed 315 opinion pieces of negative representations of communities in major Australian News Corp publications. Of them, 90 percent of news stories from *The Herald Sun* were negative, the highest, from *The Daily Telegraph* (80 percent) and *The Australian* (52 percent). Of the targeted communities with the highest percentages of negative representations, 75 percent were Muslims, 55 percent were Chinese and Chinese-Australian people and 47 percent were Aboriginal and Torres Strait Islander people.<sup>170</sup> Unless prominent media actors, including major political parties, use their influence to counter negative, divisive and hierarchical depictions of minority groups, pluralism in Australia cannot be achieved.<sup>171</sup> The outcome of these media outlets' representations of minorities has negative implications for cultural diversity and social cohesion in Australian society.

## 9. CIVIL SOCIETY

### AVERAGE SCORE: 7

INDIGENOUS AUSTRALIANS | SCORE: 7

CALD MIGRANTS | SCORE: 7

TEMPORARY MIGRANTS | SCORE: 7

Australia has been estimated to have over 300,000 non-government and non-profit organizations, many of which espouse pluralism.<sup>172</sup> Prominent ones include the Australian Council of Social Service (ACOSS); Refugee Council of Australia; Amnesty International; the Federation of Ethnic Communities Councils of Australia (FECCA), along with its

various state bodies; the Scanlon Foundation; Get Up!; Diversity Council Australia; and two think tanks, the Australia Institute and the Lowy Institute. The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), the Lowitja Institute and the Aboriginal Advancement League promote Aboriginal and Torres Strait Islander peoples' interest, while the FECCA and Refugee Council of Australia represent and advocate for migrants and refugees. Others include the Migration Institute of Australia, which provides welfare services to mainly minority groups in Australia and internationally. There are organizations, such as The Salvation Army and ACOSS, that advocate for inequalities to be addressed, particularly in disadvantaged and poverty-stricken areas, as well as All Together Now, whose work includes destabilizing far-right extremism and combating racism in Australia.<sup>173</sup> Most of these organizations, including the Australian Capital Territory (ACT) Human Rights Commission, the ACT LGBTIQ+ Advisory Council and the Australian Christian Lobby made significant submissions to the review of the Racial Discrimination Act.<sup>174</sup>

Other significant bodies working in this space include the Australian Communities Foundation, Minderoo Foundation, Centre for Cultural Diversity in Ageing, Centre for Multicultural Youth, Australian Fabians, Evatt Foundation, Centre for Policy Development, McKell Institute, Per Capita, Whitlam Institute, Centre for Australian Progress and the Queensland-focused Multicultural Australia and the Australian Multicultural Foundation.

These civil society actors provide vital linkages between stakeholder communities and federal, state/territory and local governments, often conveying sets of interests and concerns about which government bodies might otherwise lack awareness.

There are also a number of impactful university-based research centres and advocacy institutes, including the Alfred Deakin Institute for Citizenship and Globalisation, Deakin University; Monash Migration and Inclusion Centre, Monash University; Migration and Mobility Research Network, University of Melbourne; Institute for Culture and Society, Western Sydney University; Gilbert + Tobin Centre of Public Law, UNSW; Andrew & Renata Kaldor Centre for International Refugee Law, UNSW; Centre for Social Justice and Inclusion, University of Technology Sydney; Sydney Institute for Community Languages Education, University of Sydney; and Centre for Research in Educational and Social Inclusion, University of South Australia.

## 10. PRIVATE SECTOR

### AVERAGE SCORE: 7

INDIGENOUS AUSTRALIANS | SCORE: 7

CALD MIGRANTS | SCORE: 7

TEMPORARY MIGRANTS | SCORE: 6

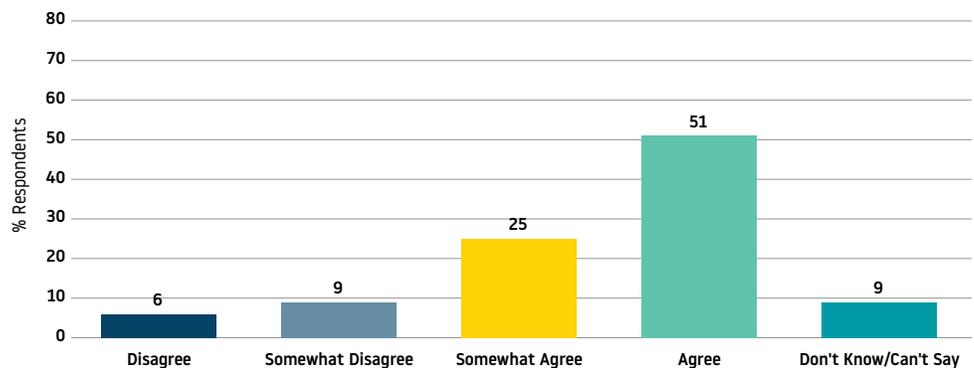
Over the past decade, Australia has enjoyed a strong sustained economy and productivity due, in part, to a competitive and diverse workforce comprised of people of different

religions, races, ages, genders, abilities and cultural backgrounds.<sup>175</sup> The role of workforce sectors and leadership in aiding pluralism in Australia is far-reaching.

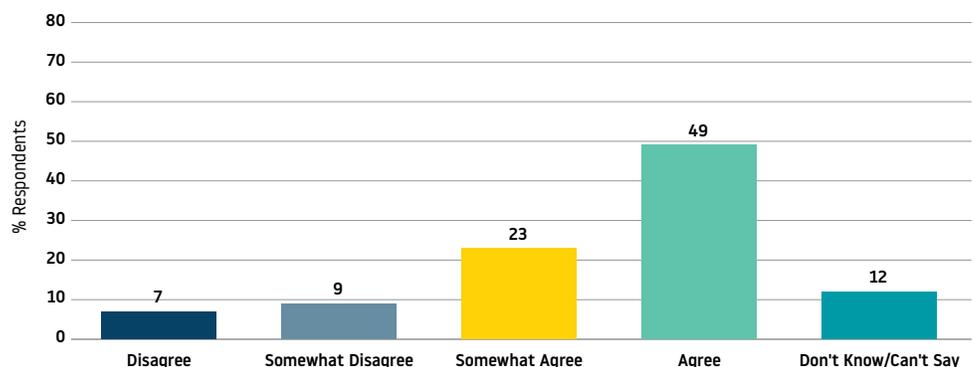
Gender diversity in the Australian workforce and in company leadership remains inequitable. The ratio of women to men in the Australian labour force (based on the percentage of the total population ages 15 and over) is 0.83. Though women represent 40 percent of those employed at Australian companies, their underrepresentation in the executive team and board of directors of companies is more pronounced at 21 percent and 30 percent, respectively.<sup>176</sup>

Ethnic minorities are underrepresented in leadership positions, both in the private sector and governmental positions. This is due to conscious and unconscious bias in selection and promotion to leadership positions by the largely dominant white male groups. Ethnic minorities face the prospects of not being selected or promoted into a management position.<sup>177</sup> Other factors that affect minority groups in leadership positions in Australia include lack of recognition of credentials, limited local work experience and reduced English language skills.<sup>178</sup> In the Centre's *Pluralism Perceptions Survey*, less than half the participants agree that they are equally likely to be hired and promoted for a professional role as other Australians shown in Figures 2.1 and 2.2.

**Figure 2.1**  
**Equally likely to be hired for professional role as other Australians**



**Figure 2.2**  
**Equally likely to be promoted as other Australians**



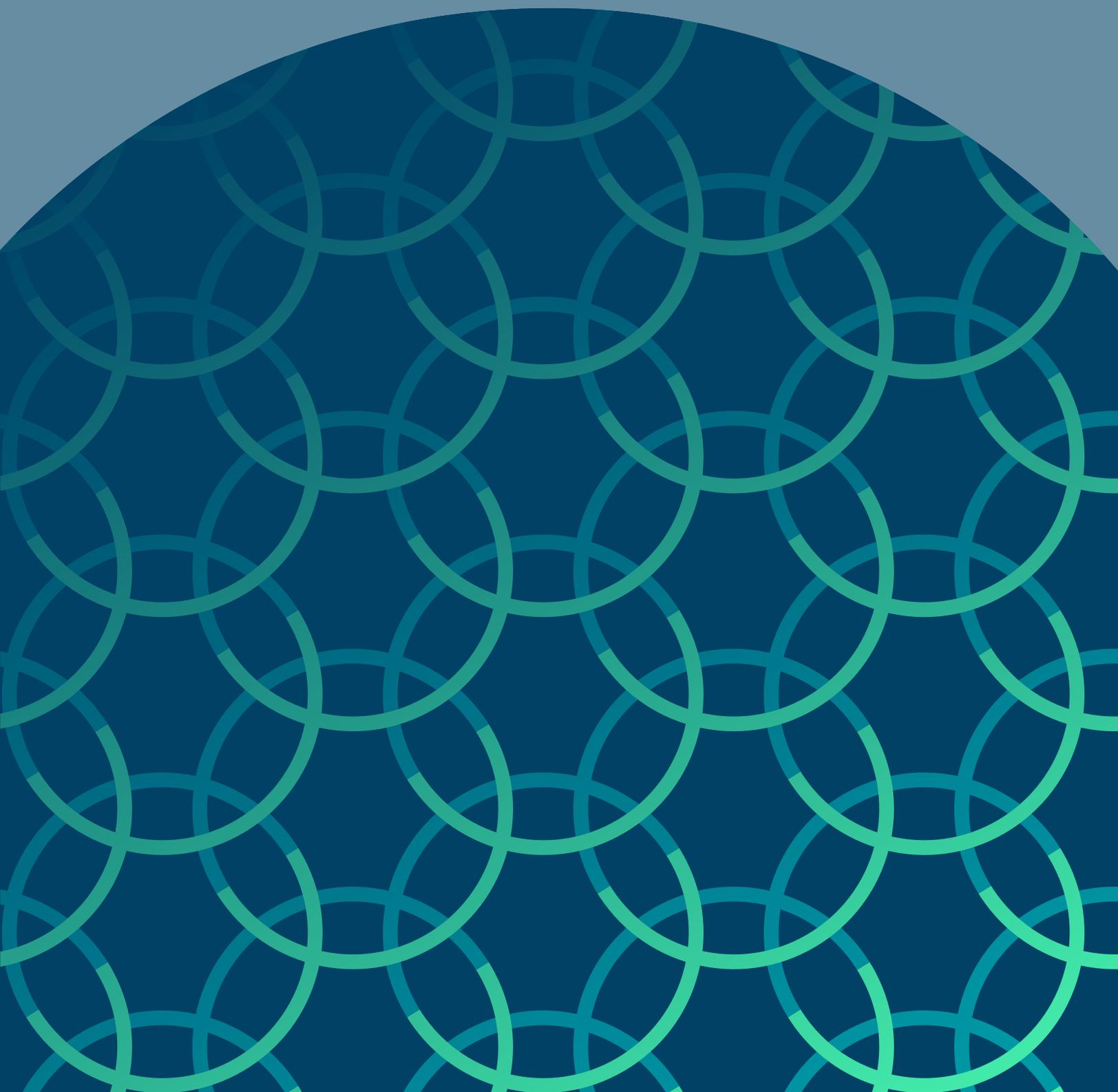
An AHRC report on cultural diversity within Australian leadership positions found a stark underrepresentation of people with non-European and Indigenous backgrounds in the leadership of ASX 200 companies.<sup>179</sup> Of the 200 CEOs of these companies, 72.5 percent have an Anglo-Celtic background (compared to 58 percent of the Australian population), 23.5 percent have a European background (compared to 18 percent of the population), 4 percent have a non-European background (compared to 21 percent), and none have Indigenous heritage (compared to 3.3 percent of the Australian population). Similarly of the 1,463 non-CEO executives serving in ASX 200 companies, Anglo-Celtic backgrounds still dominated at 73.2 percent, with European backgrounds comprising 21 percent and those with non-European backgrounds comprising 5.8 percent of these positions.

Surveys suggest that Australians overwhelmingly support ethnic diversity in the workplace.<sup>180</sup>

The AHRC reports found that many of Australia's largest companies have introduced policies designed to increase diversity in their workplaces.<sup>181</sup> There is a tradition of private companies sponsoring sporting teams, community festivals and the arts. For example, former CEO and non-executive chair of Fortescue Metals Group, Andrew Forrest, has sponsored apprenticeship schemes for Indigenous youth.<sup>182</sup> Prominent tax lawyer Mark Leibler has been heavily involved in promoting the cause of reconciliation.<sup>183</sup> Suncorp Bank, the Australian Football League (Queensland), Brisbane Lions Football Club and Brisbane Roar Football Club are all partners of Multicultural Australia. Qantas, the national airline, has promoted itself as a unifying symbol of a multicultural Australia.<sup>184</sup> Former long-time chair of Westfield Corporation Sir Frank Lowy has been a vocal defender of Australian multiculturalism.<sup>185</sup> Atlassian co-founder and co-CEO Mike Cannon-Brookes has been a very public face advocating for diversity both within and beyond his company.<sup>186</sup>

There are also some notable failures of leadership on diversity. The National Rugby League football code has struggled with sexism, harassment and sexual violence within its ranks in recent years, while the Australian Football League (Australian Rules) has been found wanting in its response to internal and crowd expressions of racism.

# PART IV. GROUP-BASED INEQUALITIES



# 11. POLITICAL

## AVERAGE SCORE: 4

INDIGENOUS AUSTRALIANS | SCORE: 5

CALD MIGRANTS | SCORE: 6

TEMPORARY MIGRANTS | SCORE: 2

Opportunities for political participation are generally equitable for citizens; however, there are some areas of qualification, concern and debate. In Australia, equitable political representation and participation among its citizens are still far from being achieved. As noted above, there are legal restrictions, such as the constitutional bar on dual citizens being candidates in federal elections. Also noted above is the underrepresentation of women and cultural minorities in Parliament (see Indicator 3).

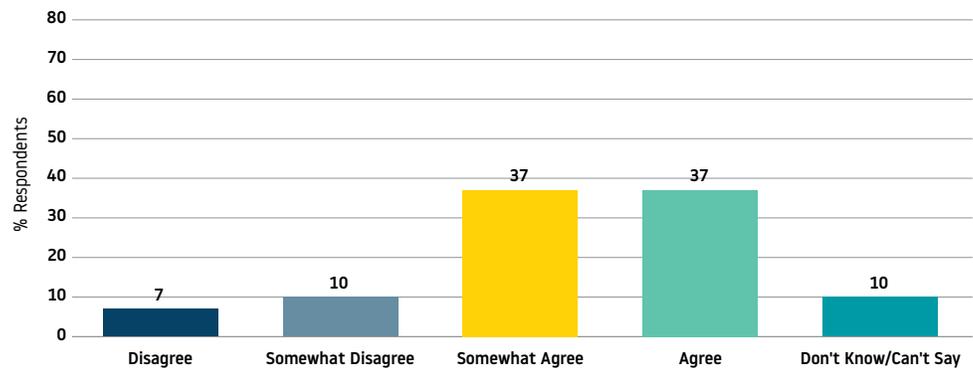
All citizens are able to vote but not permanent and temporary migrants. Permanent and temporary migrants can politically associate, express their political views, whether in letters to politicians or newspapers, writing an article for a newspaper, being interviewed on radio or television or through protest. But, the denial of the franchise raises genuine issues about how the interests of these classes of migrants might be politically represented.

The two main left-leaning political parties do not bar temporary residents from becoming members. The ALP requires members have an Australian residential address, while the Australian Greens do not even require that for membership. In contrast, only Australian citizens are eligible for membership in the two main conservative parties.

Furthermore, pluralism will not be achieved in Australia until minority communities including the LGBTIQ+ community, persons with disabilities, those who are homeless, in poverty, unemployed, casual workers and small business owners facing challenges are considered as citizens and partners in finding solutions within the political sphere, not as clients or consumers, or vulnerable people who need protection.<sup>187</sup> Democratic and political participation among ethnic communities should go beyond voting in elections, and political discourses must not function on an exclusionary basis based on race, religion and country of birth. This will enhance equitable political representation in Australia.<sup>188</sup> Figure 3.1 provides evidence from the Centre's *Pluralism Perceptions Survey* on participants' views, with approximately 35 percent believing their views are being represented by political parties.

Historically, Aboriginal and Torres Strait Islander peoples were excluded in the drafting of the Constitution.<sup>189</sup> To an extent, the Australian Constitution still allows for racial discrimination of not only Indigenous Peoples but also against other minority groups.<sup>190</sup> This has been reflected in the Australian political inequalities contributing to a lack of representation and participation of diverse communities in the political arena. As such, there is a lack of minority voices in political representation.<sup>191</sup> For equitable and diverse political representation to be achieved, the denial of Indigenous political voices and Indigenous inputs in policy that directly affects them must be addressed. Adopting the recommendations of the Uluru Statement is a necessary first step in achieving

**Figure 3.1**  
**Views represented by a political party**



equitable political representation, namely constitutional enshrinement of a Voice to Parliament as a permanent institution for expressing Indigenous views to Parliament and to government on important issues affecting Indigenous Peoples.<sup>192</sup> This should be combined with a Makarrata Commission to supervise a process of agreement-making between governments and Indigenous Peoples that provides a clear and practical path forward for Indigenous self-determination in accordance with the UN Declaration on the Rights of Indigenous Peoples.

The minimum age restriction is also contested. For most of the last century, the minimum age for voting in federal elections was 21 years. In 1973, the age was lowered to 18 years, where it remains. But there have been attempts to lower the age to 16 years by the Greens.

Prisoner disenfranchisement in Australia is another issue. Prisoners serving full-time sentences of more than three years are ineligible to vote in federal elections.<sup>193</sup> There are different provisions in some states; with some penalizing prisoners with sentences of more than five years, others doing so for those with one-year sentences. Beyond the citizenship rights of prisoners, such disenfranchisement can also have “a disproportionate impact on groups who are overrepresented in the prison population, such as Indigenous Peoples, people with a mental illness and people with an intellectual disability.”<sup>194</sup>

Another debate is the status of Australia’s compulsory voting laws: Do they enhance political equality or violate it?<sup>195</sup>

## 12. ECONOMIC

### AVERAGE SCORE: 5

INDIGENOUS AUSTRALIANS | SCORE: 4

CALD MIGRANTS | SCORE: 6

TEMPORARY MIGRANTS | SCORE: 4

**Those born in Australia or other English-speaking countries are more likely to be in the top 20 percent income group, whereas people born in non-English speaking countries are more likely to be in the lowest 20 percent income group.**

For Aboriginal and Torres Strait Islander peoples, there continues to be a long-standing history of economic inequalities. This is attributable to the effect of historical laws that continues to deny Indigenous Peoples equitable participation and access in the economic domains.<sup>196</sup> Even where jobs are secured, institutional racism coupled with a culturally unsafe working environment contributes significantly to the lack of participation in the economic domain in Australia.<sup>197</sup> The role of institutional racism in inequitable access to the economic domain is marked in Australian society. Institutional racism has resulted in reduced recruitment and retention of Aboriginal and Torres Strait Islander professionals. This contributes not only to low income and wealth but also increases the wage gap between the Indigenous Peoples and the non-Indigenous population.<sup>198</sup> The deficit in access to public and private sector employment among the Aboriginal and Torres Strait Islander peoples has been reflected in the Close the Gap initiative.<sup>199</sup> In the report, culturally appropriate, sensitive and safe working environments (e.g., health systems) were recommended for the Aboriginal and Torres Strait Islander peoples as a significant and integral part of their employment. This equitable working system should acknowledge institutional racism and put in place steps, through culturally safe training, to close the gap and to ensure wealth, income and wages are proportionate to all.<sup>200</sup>

Gender-based economic inequality also persists in Australia. According to the Workplace Gender Equality Agency (WGEA, 2020), women earn, on average, \$25,534 (AUS) per annum (p.a.) less than men and face a 20 percent gap in total wages, which also impacts retirement savings. Other findings include the following:<sup>201</sup>

- The national gender pay gap is 13.4 percent (a gendered difference of \$15,144 (AUS) p.a.); and
- Nationally, women continue to dominate part-time and casual roles; only 38.1 percent of full-time workers are female.

There is, however, strong growth in flexible working opportunities, evidence of a rise in the number of women to the managerial level and improved access to parental leave.<sup>202</sup>

There are significant income disparities between migrants from non-English-speaking countries and the Australian-born and migrants from English-speaking countries.<sup>203</sup> Those born in Australia or other English-speaking countries are more likely to be in the top 20 percent income group, whereas people born in non-English speaking countries are more likely to be in the lowest 20 percent income group.

## ACCESS TO PUBLIC AND PRIVATE-SECTOR EMPLOYMENT

A suite of protections against discrimination in employment apply at federal and the state and territory levels (see Section 2). Federally, the Racial Discrimination Act 1975 (Cth) prohibits unfavourable treatment in employment because of race, colour, ethnicity or national origin. Nevertheless, access to employment opportunities is not always equitable: evidenced by the underrepresentation of women in full-time employment and leadership roles and of people from Indigenous and non-European backgrounds in public sector roles (parliamentarians, government ministry, government departmental secretaries and deputy secretaries or equivalents at the federal and state levels), among university chiefs and in the private sector at the managerial level (ASX200 CEOs and non-chief executive leaders), outlined in Sections 10 and 11.

Access to entry level positions may also be less than fully equitable. Researchers at the Australian National University found that it is much easier for job applicants with an Anglo-Saxon name to score an interview. As the researchers reported:

To get the same number of interviews as an applicant with an Anglo-Saxon name, a Chinese applicant must submit 68 percent more applications, a Middle Eastern applicant must submit 64 percent more applications, an Indigenous applicant must submit 35 percent more applications, and an Italian applicant must submit 12 percent more applications.<sup>204</sup>

GradAustralia reported this bias to be so prevalent that “many immigration lawyers advise new migrants to consider anglicizing their names and to mention their language skills only if they’re relevant.”<sup>205</sup>

## ACCESS TO LAND AND NATURAL RESOURCES, INCLUDING BENEFITS OF NATURAL RESOURCES

The historical injustice of land and property inheritance is a significant topic of relevance to pluralism. Aboriginal and Torres Strait Islander peoples were dispossessed from their land through processes of colonization. They suffered forced assimilation and the removal of children from families, contributing to a vast gap in economic inequality, in economic access and participation. To foster economic equity and participation among Aboriginal and Torres Strait Islander peoples, a recommendation from the *Close the Gap* initiative argues that priorities should be given to initiatives that target growing and securing the Indigenous protected lands programs as well as supporting a target of 5,000 jobs in Indigenous land and sea management.<sup>206</sup>

The Australian government maintains two notable Indigenous Land Management (ILM) programs. Indigenous Protected Areas are areas of land and sea that Indigenous groups agree to manage as protected areas for biodiversity conservation.<sup>207</sup> The second government land management scheme is the Indigenous Ranger Programs.<sup>208</sup>

The Commonwealth Scientific and Industrial Research Organisation identifies several barriers hampering the success of the ILM programs. These include the loss of traditional knowledge and language through power imbalances that have led to Western systems playing the dominant role in education and land management practices; lack

of access to traditional lands; and socio-economic and educational disadvantage that affect Indigenous Peoples' ability to undertake ILM.<sup>209</sup>

## 13. SOCIAL

### AVERAGE SCORE: 5

INDIGENOUS AUSTRALIANS | SCORE: 5

CALD MIGRANTS | SCORE: 7

TEMPORARY MIGRANTS | SCORE: 3

**The consequence of the lack of participation has been attributable to low educational attainment, poor employment, sub-standard housing and low income as well as systemic racism and ongoing forms of colonization.**

Australia maintains an accessible state education system, universal health care system and extensive social welfare support. There are some notable successes here regarding diversity but also areas of concern where disadvantage disproportionately affects particular communities.

In Australia, the lack of equitable participation in the social domain, such as education and employment, is noticeable for Aboriginal and Torres Strait Islander peoples. The consequence of the lack of participation has been attributable to low educational attainment, poor employment, sub-standard housing and low income as well as systemic racism and ongoing forms of colonization. In the Closing the Gap initiative, the Council of Australian Government (COAG) National Indigenous Reform Agreement acknowledges the effect of these inequalities and proposed reforms to counteract these generational effects. These reforms include improved local initiatives to increase school readiness, improve literacy and numeracy skills, school engagement and raise Year 12 attainment.<sup>210</sup> To complement these reforms, the COAG also proposed a significant commitment in a range of strategic areas and building blocks which include safe homes and communities, healthy homes, improved physical health, and sexual and reproductive health, governance and leadership, primary and secondary schooling and economic participation.<sup>211</sup> Yet repeated governments have failed to address the structural and systemic discrimination that inhibits the reforms needed to truly embrace a culturally centred approach to promote pluralism in access to social domains.<sup>212</sup> Ethnic minorities, refugees, people with disabilities, people with low socio-economic status and asylum seekers face similar challenges, though migration continues to make a significant economic contribution in Australia. This is despite evidence suggesting that ethnic minorities, migrants and refugees show strong resilience in these challenges including the ability to take on low paid or unskilled jobs, working more hours and compromising their quality of life, while taking advantage of opportunities presented to them in their host countries such as educational life.<sup>213</sup>

#### ACCESS TO EDUCATION AND EDUCATIONAL OUTCOMES

There are some evidence children from migrant families do better academically. An OECD report found Australian students from migrant families outperform their non-immigrant counterparts, particularly students whose families are from India, China and the

**Poor health outcomes are related to the broader socio-economic disadvantage of Indigenous Australians on all major indicators, as well the systemic racism they face.**

Philippines.<sup>214</sup> The report also found students with migrant backgrounds are 11 percent more likely to have ambitious career aspirations. Similarly, an analysis of national education data found that schools with high numbers of children from CALD communities demonstrate better student learning outcomes.<sup>215</sup>

Conversely, Indigenous children and some asylum seekers and refugee children face difficulties. For example, despite government attempts, the school attendance rate for Indigenous students is 10 percent lower than other groups.<sup>216</sup>

An asylum seeker who applies for and is granted refugee status whilst offshore is eligible to receive government fee assistance to attend university. However, those who seek asylum while already in Australia are deemed illegal entrants. If they are granted temporary visas and seek to enroll in a university program, they must pay full fees as the Refugee Council of Australia observes, “Australia’s refugee policy has led to a two-track education system for refugees.”<sup>217</sup>

Temporary migrants also face educational disadvantages. New South Wales, Western Australia and the Australian Capital Territory each charge fees for the children of temporary workers to attend state schools,<sup>218</sup> and international students are charged higher fees for their university studies.

## ACCESS TO HEALTH CARE AND HEALTH OUTCOMES

The health outcomes of Aboriginal and Torres Strait Islander peoples are worse than the wider population, including their mortality rate, life expectancy, chronic diseases, mental health and suicide.<sup>219</sup> Poor health outcomes are related to the broader socio-economic disadvantage of Indigenous Australians on all major indicators, as well the systemic racism they face.<sup>220</sup>

There are a range of new Indigenous-specific health initiatives and policy interventions and programs including the National Agreement on Closing the Gap, the National Aboriginal and Torres Strait Islander Health Workforce Strategic Framework (2016–2023), the National Aboriginal and Torres Strait Islander Health Plan, the National Framework for Health Services for Aboriginal and Torres Strait Islander Children and Families, the Indigenous Australians’ Health Programme and the Aboriginal Community Controlled Health Services.<sup>221</sup>

The COVID-19 pandemic has further emphasized health inequalities. Despite asserting that vaccination of Indigenous Australians would be a priority, at the time of writing, they remain among the least vaccinated communities. In western New South Wales, for example, outbreaks are posing a particular threat to Aboriginal children.<sup>222</sup> Yet only 8.6 percent of Indigenous Australians in the region are fully vaccinated.<sup>223</sup>

Furthermore, the response to COVID-19 in multicultural areas of South West Sydney in the second half of 2021 has also been found wanting. In 2020 and earlier in 2021, several agencies and reports commended the work being done for and among ethnic communities in greater Sydney,<sup>224</sup> yet South West Sydney became a hotspot of contagion and a focus of governmental censure. An ABC report suggested that the area needed a multicultural taskforce equipped to translate and explain often complex, subtle and

**Temporary migrants are subject to higher premiums for health insurance where their employer does not supply it and pay taxes and local council rates, yet are not entitled to vote, access welfare and support services.**

ever-changing instructions about what was and was not permitted to local residents, many of whom are CALD migrants.<sup>225</sup>

Temporary migrants are subject to higher premiums for health insurance where their employer does not supply it and pay taxes and local council rates, yet are not entitled to vote, access welfare and support services and, in many cases, own property or businesses in Australia.

## ACCESS TO WELFARE AND SOCIAL PROTECTIONS

The Multicultural Servicing Strategy (MSS)<sup>226</sup> provides a framework for delivering social services and support to a diverse population. The need for such a strategy is beyond question. Figures from the 2019–22 MSS include the following:

- Twenty-two percent of people who need social security supports are from CALD backgrounds;
- Over 1.4 million receiving social security support were born overseas in over 140 non-English-speaking countries;
- Seven percent of people requiring social security need an interpreter;<sup>227</sup>
- The five most requested languages are Arabic, Vietnamese, Mandarin, Greek and Cantonese; and
- At the end of the June quarter of 2016, around 45 percent of Indigenous Australians aged 15 and over (220,800 people) were receiving some form of income support payment compared with 26 percent of non-Indigenous Australians of this age (4.9 million people).

The MSS provides services in four areas: community and customer engagement, staff cultural capability, language services and a multicultural officers program. The 2019–2022 MSS stated that its key performance indicator was “delivery of correct ... payments for CALD customers” and that its target is 95 percent.<sup>228</sup>

People with disabilities from CALD backgrounds are particularly overlooked in social services. The National Disability Insurance Scheme (NDIS) has sought to correct that omission through its Cultural and Linguistic Diversity Strategy,<sup>229</sup> which now delivers the following<sup>230</sup>:

- Some 42,265 people with disabilities from CALD backgrounds receive NDIS support;
- The percentage of CALD people with disabilities aged 15 to 24 in employment increased from 12 percent to 19 percent after three years in the scheme. The same increase in employment was not evident for CALD participants aged 25 and over during the same period. However, this is also true for non-CALD participants in the scheme; and
- In the December 2020 quarter, 81.3 percent of CALD participants rated the access to the scheme as either good or very good, 9 percent rated the experience as neutral and 8.6 percent rated it as poor or very poor.

Most temporary visa subclasses are ineligible for both the Adult Migrant English Program and the free interpreting and translating services that enable non-English speakers to access key services that are not government funded. Even settlement grants to assist

newcomers in their adjustment to Australia are out of reach. The Australian government describes the exclusion bluntly: “temporary entrants, such as skilled entrants or students, enter Australia for a specific and time-limited purpose and are expected to be supported by their sponsors or make their own provision for employment, accommodation, access to health and other services while they are temporarily in Australia.”<sup>231</sup>

## 14. CULTURAL

### AVERAGE SCORE: 6

INDIGENOUS AUSTRALIANS | SCORE: 5

CALD MIGRANTS | SCORE: 7

TEMPORARY MIGRANTS | SCORE: 6

Australia has a long-standing history of cultural inequalities stemming from the historical laws of suppression and elimination of cultural practices among Indigenous Peoples. In the 1970s, the lifting of these historical oppressive laws of assimilation and segregation saw philosophers, writers and artists emerge and advocate for a “cultural renaissance.” As a result, Indigenous cultural practices, such as teachings, languages, symbols and history that remained dormant and hidden began to re-emerge, thus creating a foundation for restoring the health and well-being of the Aboriginal and Torres Strait Islander peoples and their future generations. The resurgence of cultural knowledge and practices continue to gain momentum in Australian societies with several initiatives such as the Firesticks Alliance network led by Indigenous Peoples who aim to revitalize Indigenous practices, such as cultural burning, Birthing on Country practices, and the re-establishment of Indigenous languages.<sup>232</sup> The Firesticks Alliance network includes organizations such as AIATSIS and the Australian Literacy & Numeracy Foundation with projects including the Living First Language Platform and AIATSIS’s Ngunnawal language revival project.<sup>233</sup>

There has been some progress over the years in relation to the recognition of Aboriginal sacred sites. The return of Uluru, formerly known as Ayres Rock, in central Australia to the local Indigenous Peoples in 1985 was a landmark case. It was not until 2019, however, that tourists were prohibited from climbing Uluru. State and territory laws still preference mining and other commercial interests. In 2020, miner Rio Tinto destroyed Aboriginal rock shelters in the Juukan Gorge in central Australia that dated back 46,000 years.<sup>234</sup> Recently, Rio Tinto was again accused of disrespecting Indigenous artefacts.<sup>235</sup>

More affirmatively, the AIATSIS has continued to be supported as an independent Australian government statutory authority since 1964. It performs vital work collecting, publishing and researching the languages and heritage of Aboriginal and Torres Strait Islander peoples, as well as advising governments and other bodies. There is still little recognition of customary law, however (see Sections 2 and 4 above). Acknowledgement of Country and Welcome to Country greetings have become commonplace.

Cultural inequalities among minority groups in Australia are still of considerable concern. The biased nature of Australians and the negative attitudes towards cultural diversity

**The right to cultural identity and respect promulgated in the four preceding national multicultural policy statements continues to be evidenced in practice in various ways.**

and minority groups are also evident in the prevalence of various negative experiences of Islamophobia, anti-Semitism and homophobia.<sup>236</sup> For example, while Muslims make up 2.6 percent of the Australian population, 73 percent of them have experienced cultural and religious inequalities, and 75 percent of the LGBTIQ+ community reported unequal treatment in 2015, undermining the progress of pluralism.<sup>237</sup>

The right to cultural identity and respect promulgated in the four preceding national multicultural policy statements continues to be evidenced in practice in various ways. Allowable exemptions from dress codes and animal slaughtering laws, time off work to attend religious festivals and scheduling of significant public events around such dates, provision for dietary restrictions in public services and agencies and, more generally, a willingness to either adjust established rules or make provisions for religious and ethnic minorities remain established norms. Moreover, temporary migrants are typically able to access most such accommodations for their religious or ethnic traditions. International students can access the same cultural provisions offered on Australian campuses that Australian students enjoy, such as prayer rooms and provision of special foods, such as halal.<sup>238</sup>

A wide variety of multicultural grants programs exist at the national, state and local government levels, that provide support for community facilities and festivals and for public campaigns like Harmony Day. Most of these programs are available to organizations and not to individual applicants. Grants that are on offer to individuals do tend to restrict eligibility to Australian citizens or permanent residents.

Language policy has a varied career in the education sector in Australia. The multiculturalist enthusiasm of the 1970s and 1980s gave way to retreat in the 1990s and a narrower, economic rationalist focus on a few languages (Chinese, Japanese, Indonesian) that were seen as beneficial to Australia's major trading relationships.<sup>239</sup> Nevertheless, in recent years, the national curriculum aims to "enable all students to engage in learning a language in addition to English."<sup>240</sup> The states have jurisdiction on implementing and supplementing this directive. The result is a wide variety in language provision in education facilities.

In general, gender inequality is a major concern in Australian society. Australia is one of the first countries worldwide to legislate the Sex Discrimination Act 1984, yet little progress has been made in closing the gender gap.<sup>241</sup> This is evident in the Global Gender Gap Index which uses four indicators (educational attainment, political empowerment, health and survival, and economics) to measure gender gaps among 156 countries. The index also tracks the progress of the gender gaps with time. When the index started in 2006, Australia was ranked 15<sup>th</sup>. In 2013, Australia's ranking dropped to 24<sup>th</sup> place, and, in 2021, it dropped significantly to 50<sup>th</sup> place.<sup>242</sup>

In Australia, gender inequalities may be compounded with how gender-based discrimination is intersected with various factors such as cultural diversity, Aboriginality, sexual orientation and disability.<sup>243</sup> Here, Aboriginal and Torres Strait Islander women face heightened systematic disadvantages compared to non-Indigenous women. Compared to non-Indigenous peoples, Aboriginal and Torres Strait Islander women are 10 times more likely to die from assault, 32 times more likely to be hospitalized because of violence, and are at a greater risk of incarceration and homelessness.<sup>244</sup> Further, in Australia, women with disabilities also face various challenges and barriers. Compared to women without

disabilities, those with disabilities are twice and three times more likely to experience violence and sexual violence respectively.<sup>245</sup>

## 15. ACCESS TO JUSTICE

### AVERAGE SCORE: 6

INDIGENOUS AUSTRALIANS | SCORE: 6

CALD MIGRANTS | SCORE: 7

TEMPORARY MIGRANTS | SCORE: 5

**There is an inconsistent implementation of the law, onerous bureaucratic and financial obstacles, and biased treatment of minority groups, in particular those from Aboriginal and Torres Strait Islander background, which undermines equitable access to justice.**

Theoretically, the Australian justice system is designed to be fair to all its citizens. However, the existence of inequitable access to justice undermines pluralism in Australian law.<sup>246</sup> There is an inconsistent implementation of the law, onerous bureaucratic and financial obstacles, and biased treatment of minority groups, in particular those from Aboriginal and Torres Strait Islander background, which undermines equitable access to justice.<sup>247</sup>

Australia has a strong and independent judiciary. The Australian Constitution (Section 72) guarantees the independence of federal and state judges. To this end, the tenure and remuneration of federal judicial officers enjoy constitutional protection. Federal judicial officers are appointed by the government and cannot be removed from office except on the grounds of misbehaviour or incapacity. Judicial officers' remuneration cannot be reduced while holding office.<sup>248</sup> However, that judges are appointed at the discretion of the executive periodically sparks concern that an appointment is unduly "political."

In the absence of a bill of rights, there is no tradition of judicial oversight of rights claims that there is elsewhere. Nevertheless, the High Court has found in the Constitution an implied freedom of political communication that has, and has had, ramifications for the status of other fundamental freedoms.<sup>249</sup>

The preeminent case of Australian judicial intervention on access to justice for marginalized peoples was the Mabo case of 1992, which overturned two centuries of the legal doctrine of *terra nullius* by recognizing native title existed for all Indigenous Peoples prior to British settlement, followed by *Wik Peoples v. State of Queensland and Others* (1996), which found that statutory leases do not extinguish native title.<sup>250</sup>

However, the difference in litigations and procedural injustice continue to dominate in the over-representation of Indigenous imprisonment.<sup>251</sup> There is also a continuing and clear bias against women in the justice system, especially concerning family violence and other matters pertaining to family disputes in the courts. Police culture and the issues of over-policing, including battering, false imprisonment, unlawful stop and searches and civil claims for assault among Aboriginal and Torres Strait Islander people have been highlighted since 1991.<sup>252</sup> This has been attributed to ethnic differences in policing and the lack of independent judicial decision-makers in Australia. Further, reinforcing both conscious and unconscious bias, pervasive policing and the Australian judiciary system

**Between 2006 and 2016, Aboriginal and Torres Strait Islander incarceration rates increased some 41 percent, and the disparity between Indigenous and non-Indigenous imprisonment rates over this time only grew larger.**

yields more severe criminal injustice for ethnic minorities.<sup>253</sup> Data on bias crime in the Australian judiciary system and the differential effect between Aboriginal and Torres Strait Islander peoples and the Australian mainstream population is evident.<sup>254</sup> The data shows not only unfair referrals from custody, but the court systems are also subject to unreasonable delays and bias against Aboriginal and Torres Strait Islander peoples.<sup>255</sup> Practically, accessible alternative dispute resolution mechanisms, including the informal justice system are ineffective and to an extent, do not exist.<sup>256</sup> Baseline statistics on the equitable justice system show that the legal system including policing and court outcomes barely keeps account of individual and offending variables to demonstrate differences by Indigenous status in the Australian sample.<sup>257</sup>

Most people that interact with the criminal justice system are born in Australia: for example, approximately 81 percent of prisoners are Australian born, 16 percent are overseas born (6,707). The most common countries of birth of prisoners born overseas are New Zealand (1,048 or 3 percent of total prisoners), Vietnam (789 or 2 percent) and the UK (602 or 1 percent ).<sup>258</sup>

People involved in criminal proceedings are generally entitled to an interpreter, if needed, free of charge. In civil matters this varies between jurisdictions. In New South Wales, people must pay for their own interpreter; however, if their claim is successful, they can seek reimbursement when costs are determined. If an individual cannot afford an interpreter, they may take a means test and, pending its assessment, an interpreter will be provided without charge.<sup>259</sup> Interpreters can be accessed through the Language Services division of Multicultural NSW, which offers interpreting and translation of 100 dialects and languages.

Arguably the greatest challenge regarding diversity and Australian courts concerns Indigenous Peoples. Though constituting around 3 percent of the Australian population, Aboriginal and Torres Strait Islander adults comprise 27 percent of the national prison population. The figure is worse for Aboriginal and Torres Strait Islander women, who account for 34 percent of the female prison population. Nor is the situation improving over time. Between 2006 and 2016, Aboriginal and Torres Strait Islander incarceration rates increased some 41 percent, and the disparity between Indigenous and non-Indigenous imprisonment rates over this time only grew larger.<sup>260</sup>

The ALRC's 2017 report on the disproportionate incarceration rate of First Nations people made 16 recommendations, including the repeal of mandatory sentencing legislation where the conviction of an offender "has a disproportionate impact on Aboriginal and Torres Strait Islander peoples," and that state and territory governments should establish specialist Aboriginal and Torres Strait Islander sentencing courts whose design, implementation and evaluation should be centrally informed by relevant Aboriginal and Torres Strait Islander organizations. The report also made recommendations on the language barriers faced by people from isolated Aboriginal and Torres Strait Islander communities, for whom English may be a second or third language.<sup>261</sup>

The courts have shown themselves able to withstand considerable political pressure with regard to marginalized communities. For example, in 2011, despite immense public interest and pressure from the conservative side of politics, a federal court found conservative columnist Andrew Bolt to have breached race hate laws in two published articles in which he had questioned the identity and motives of light-skinned Indigenous people.<sup>262</sup>

**The courts have shown themselves able to withstand considerable political pressure with regard to marginalized communities.**

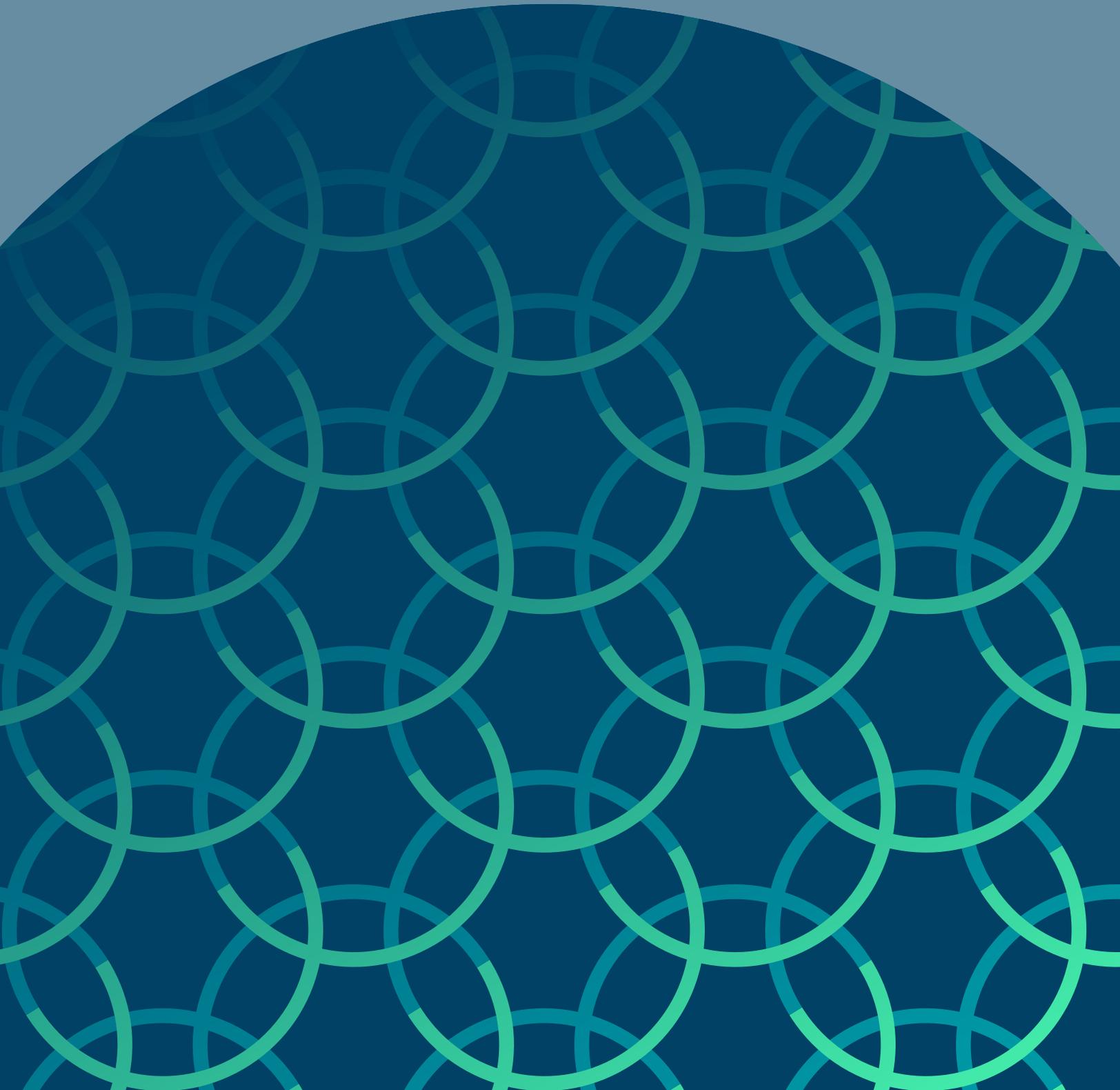
Civil and criminal justice is free from corruption or undue government influence, which is not to say that governments do not attempt to wield such influence on the odd occasion.

In 2019, the World Economic Forum's *Global Competitiveness Report* ranked Australia 10th out of 137 countries assessed on their judicial independence, ahead of Canada (15<sup>th</sup>), the UK (25<sup>th</sup>) and the US (25<sup>th</sup>).<sup>263</sup> In 2020, the World Justice Project (WJP) Rule of Law Index ranked Australia 11th out of 128 countries analyzed, behind Canada (9<sup>th</sup>) but ahead of the UK (13<sup>th</sup>) and the US (21<sup>st</sup>).<sup>264</sup>

The WJP Rule of Law Index assigns a score of between 0 and 1 on the performance of countries' legal institutions, where 1 signifies the highest score and 0 the lowest score. Australia scored 0.97 on "absence of corruption in the judiciary"; regarding fundamental rights: 0.68 on "no discrimination" and 0.77 on "due process of law"; and regarding regulatory enforcement: 0.71 on "effective regulatory enforcement," 0.90 on "no improper influence," and 0.77 on "no unreasonable delay." Regarding civil justice, Australia scored 0.60 on "accessibility and affordability," 0.68 on "no unreasonable delay," 0.74 on "effective enforcement," and 0.82 on "impartial and effective ADRs."

Australia's lowest score out of the 44 measures across all areas of the justice system concerned criminal justice where it was rated 0.58 on "no discrimination," a tad above a bare pass. The score suggests how independent and impartial criminal courts can nevertheless tap into and perpetuate systemic prejudice. The disproportionate incarceration of Indigenous Peoples, especially youth and women, and the still troubling number of Indigenous deaths in custody—despite the Royal Commission into Aboriginal Deaths in Custody (1987–91) and a major AHRC report (1996) into the matter—warrant that lowly score.<sup>265</sup>

**PART V.  
INTERGROUP RELATIONS  
AND BELONGING**



## 16. INTERGROUP VIOLENCE

### AVERAGE SCORE: 7

INDIGENOUS AUSTRALIANS | SCORE: 8

CALD MIGRANTS | SCORE: 7

TEMPORARY MIGRANTS | SCORE: 6

**The media often presents a threat of ethnic youth gangs, especially in parts of Sydney and Melbourne. Serious assessments of this alleged problem converge in condemning it largely as media sensationalism.**

In Australia, racial violence against ethnic minorities is not uncommon. Historically, the incidence of racially based violence during the colonial period in Australia by settler-invaders against the Indigenous population was widespread.<sup>266</sup> Among the early history of Australia was also the racial violence among the Chinese community where mobs attacked miners of Chinese background.<sup>267</sup> In 2009, there were reports of racially motivated violence against Indian students in Australia.

This significant intergroup violence is also illustrated through the Cronulla Beach riots (2005) between young Lebanese migrant men and Anglo-Australian mobs who attacked anyone of Middle Eastern appearance, which precipitated a revenge attack by migrant groups on Anglo-Australians in Cronulla.<sup>268</sup> A violent demonstration also occurred in Sydney in 2012, where some 200 Muslim protesters had gathered to condemn a film satirizing the Prophet Muhammad.<sup>269</sup>

Furthermore, the media often presents a threat of ethnic youth gangs, especially in parts of Sydney and Melbourne. Serious assessments of this alleged problem converge in condemning it largely as media sensationalism.<sup>270</sup> Unemployment and severe disadvantage in certain communities occasionally manifest in violence; however, ethnically and statistically, these outcomes are not a major issue.

Yet, there are sporadic incidents of violence against members of ethnic communities. Jewish, Asian, Indian and Sudanese individuals and, sometimes, their community centres, have been targeted on public transport, in shopping centres and in the streets. A troubling development is the rise of white nationalist groups and a home-grown neo-Nazi movement, recently exposed.<sup>271</sup> In 2019, an Australian white nationalist perpetrated the massacre at a mosque in Christchurch, New Zealand.

# 17. INTERGROUP TRUST

## AVERAGE SCORE: 6

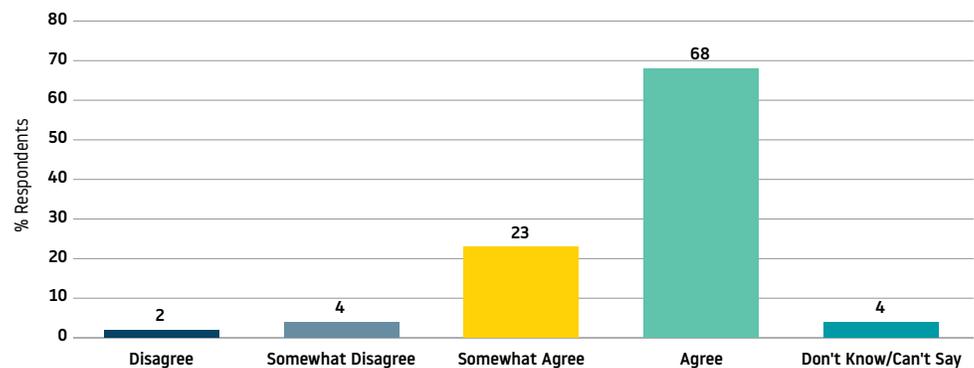
INDIGENOUS AUSTRALIANS | SCORE: 6

CALD MIGRANTS | SCORE: 7

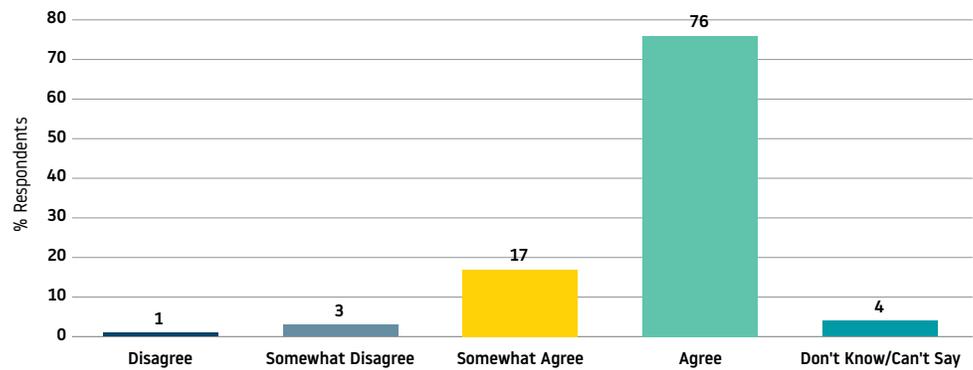
TEMPORARY MIGRANTS | SCORE: 6

In Australia, intergroup trust manifesting interpersonal and internalized racism may be pervasive among minorities groups—all of which undermines the progress of pluralism.<sup>272</sup> A study of 974 participants that focussed on intergroup contact in public spaces among Australian communities finds that visible minority groups are more inclined to have no interaction with those from different racial or ethnic groups, while majority groups tend to self-segregate and interact predominantly with other majority groups.<sup>273</sup> However, the Centre’s *Pluralism Perceptions Survey* suggests a high degree of intergroup trust among Australians from diverse backgrounds.<sup>274</sup> Respondents’ degree of trust in those from another community (marrying a family member), gender, race/ethnicity and religion illustrated intergroup trust.<sup>275</sup> More than 75 percent of respondents “agree” they would be comfortable with a supervisor from a different gender, race/ethnicity and religion, and 17–18 percent of the rest “somewhat agree” with the proposition. The majority was smaller regarding a family member marrying someone from a different community but still large with 65 percent agreeing they would be comfortable. About 22 percent indicated they “somewhat agree” they would be comfortable with this situation.

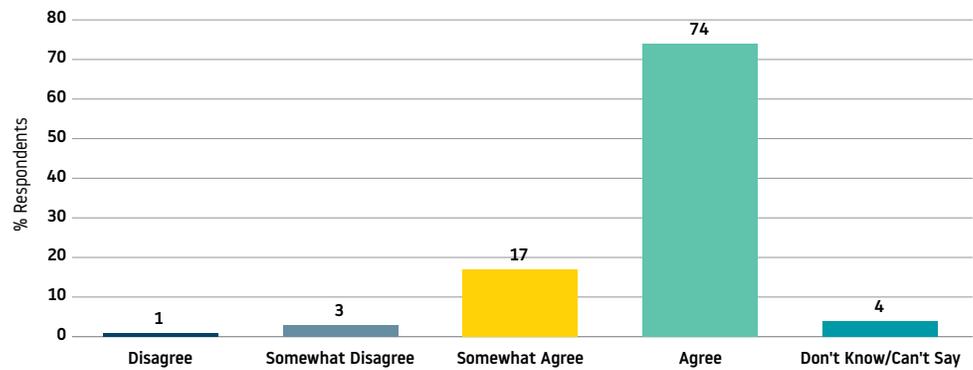
**Figure 4.1**  
**Comfortable with family member marrying someone from a different community**



**Figure 4.2**  
**Comfortable with a supervisor from a different gender**



**Figure 4.3**  
**Comfortable with a supervisor from a different race/ethnicity**



Positive responses on family members “marrying out” and being supervised by someone from a different religion or race/ethnicity were correlated with women-identifying respondents.<sup>276</sup> However, no such positive correlation applied to the question of working under a supervisor with a different gender.

The high degree of trust in different groups of others found in the Centre’s *Pluralism Perceptions Survey* is in some contrast to findings on the degree to which Australians say they trust others in general. In the 2020 ABS General Social Survey, 61 percent of Australians agreed that most people can be trusted. For persons aged 70 years and over, the figure was higher at 68 percent, while persons aged 15 to 24 years were less trusting at 54 percent.<sup>277</sup> In the Scanlon Foundation’s *Mapping Social Cohesion 2020 Survey*, only 48 percent of respondents born in Australia agreed that “most people can be trusted,” as did 48 percent of respondents born in non-English speaking countries. Interestingly, those born in other English-speaking countries were found to be more trusting (57 percent).<sup>278</sup>

The disparity in results suggests it may be easier to trust people when they are given an identity and/or imagined in a specific context than it is to trust abstract others. The Scanlon Foundation survey included some questions about neighbourhood context that bear on implicit feelings of intergroup trust. Some 84 percent of respondents either “strongly agreed” or “agreed” with the proposition that “Your local area... is a place where people from different national or ethnic groups get on well together.” And 86 percent strongly/agreed that “People in your local area are willing to help their neighbours.”<sup>279</sup> However, the Scanlon Foundation survey suggests a caveat to all the above findings on intergroup trust: the proportions found may not apply where the different others are from certain national or faith groups. This qualification is discussed below.

There is a lack of survey data on this question in relation to both Indigenous Peoples and temporary migrants.

## 18. TRUST IN INSTITUTIONS

### AVERAGE SCORE: 6

INDIGENOUS AUSTRALIANS | SCORE: 5

CALD MIGRANTS | SCORE: 7

TEMPORARY MIGRANTS | SCORE: 6

Trust in institutions has been widely explored in Australia for many decades with many large surveys. Low rankings in institutional trust have been consistent findings for these surveys.

In Australia, previous studies, including the 2013 Scanlon Foundation national survey, have explored widely institutional trust. In this study, the lowest ranking of institutional trust includes trade unions (9 percent), federal parliament (9 percent) and political parties (3 percent), with health systems including hospitals having the highest level of trust (53 percent).<sup>280</sup>

The Centre’s *Pluralism Perceptions Survey* suggests a strong level of trust by Australians from diverse backgrounds in their public institutions.<sup>281</sup> Still, on four of the five institutional areas canvassed —democracy, views represented by a political party, police and law enforcement, and the justice system—the support was significantly less than on the intergroup trust questions discussed above. In these four areas, more respondents “somewhat agree,” than completely “agree,” that they trust the nominated institution. For all but the political party representation, this support was more than 40 percent, while more than 30 percent simply “agree” they trust the institution (compared to the 65–75 percent simply agreeing they trust different others in interpersonal relations, and 17–22 percent somewhat agreeing). Responses on a political party representing one’s view were evenly divided between “agree” and “somewhat agree” at 36–38 percent. The fifth issue canvassed, trust in the public health system, elicited the highest degree of trust of the institutions canvassed. A little over 50 percent agree they trusted the

**The difference between the intergroup and institutional levels of trust suggests that Australians' interpersonal and intergroup relations may be more cohesive and robust than their relations with political parties and state institutions.**

system and more than 35 percent “somewhat agree” they do. This level of unqualified agreement was still 15–25 percent less than that returned on the interpersonal items.

The difference between the intergroup and institutional levels of trust suggests that Australians' interpersonal and intergroup relations may be more cohesive and robust than their relations with political parties and state institutions. As in other liberal democracies, public trust in democratic institutions has been falling in Australia.<sup>282</sup> In the 2019 Australian Election Study, public trust in government reached its lowest point in decades of measurement. Some 41 percent were not satisfied with the way democracy works in Australia.<sup>283</sup> In 2007, only 14 percent were “not satisfied” with Australian democracy. Just 25 percent agreed with the proposition that “people in government can be trusted.” The Scanlon Foundation's 2020 survey found otherwise: some 54 percent of respondents “trusted the government to do the right thing,” which was the highest proportion recorded since these surveys began in 2007.<sup>284</sup>

The level of trust varied little with level of education but greatly with financial situation; the Centre's *Pluralism Perceptions Survey* similarly found income to be correlated with belief that democracy is working well in the country. It also varied with age: 65-year-olds and above trusted the government to do the right thing much more so than 18–34-year-olds (63–67 percent compared to 40–43 percent). Interestingly, the Australian-born were less trusting of their government than those from other English-speaking countries (52 percent as against 56 percent) and from non-English speaking countries (57 percent).

The disparity between the plummeting trust and satisfaction with Australian democracy and government found in the 2019 Australian Election Study, on the one hand, and the much higher figures reported in the Scanlon Foundation and the Centre's *Pluralism Perceptions Survey*, on the other, is explained by the COVID-19 pandemic.<sup>285</sup> It is probable that the high satisfaction and trust responses found in both surveys were skewed by the success of Australia's initial response to COVID-19. This much is supported by the Scanlon Foundation survey finding that a substantially higher proportion (38 percent) of all respondents agreed that “having a strong leader who does not have to bother with parliament and elections would be a good way of governing during the COVID-19 pandemic.”<sup>286</sup> By August 2021, however, the Australian government's lack of planning for a more virulent strain of the disease, ill-prepared vaccination regime and inability to contain the spread may come to challenge these findings.

But Australians' relatively high trust in the public health system is consistent across time and surveys. The ABS GSS for 2020 found that more than three quarters of Australians agreed the health care system can be trusted.<sup>287</sup> The Australian healthcare system embraces both public and private arenas. Nevertheless, in assessing even the public health system, Australians typically have in mind the expertise and dedication of the health professionals and the efficiency and decency of the procedures and care received, as much as, if not more than, the government that funds and manages it.

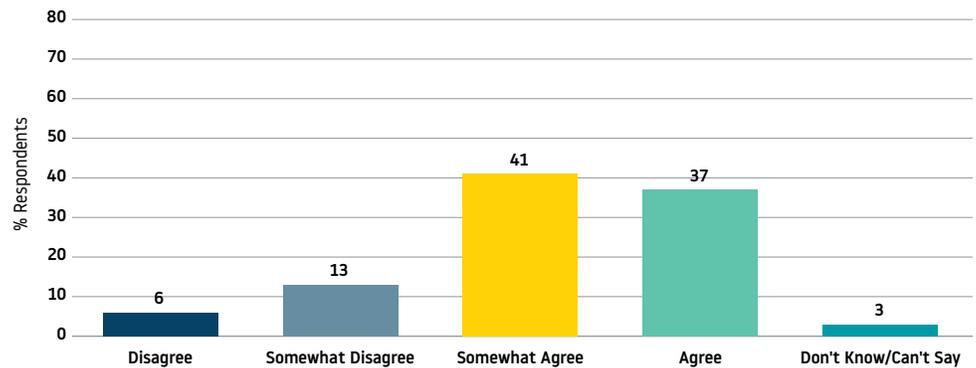
Even so, there are group differences. According to the survey, gay, lesbian or bisexual people had lower levels of trust (68 percent compared to 78 percent amongst heterosexual people).

The ABS 2020 survey found that 79 percent of Australians agreed that the police could be trusted compared to 63 percent that trusted the justice system. Though the figures

were lower for people who described themselves as gay, lesbian or bisexual, the same pattern obtained: 56 percent expressing trust in the police (compared to 82 percent of heterosexuals) and 41 percent expressing trust in the justice system (compared to 65 percent of heterosexuals).<sup>288</sup> Similarly, though in the minority in the Centre’s *Pluralism Perceptions Survey*, more respondents agree outright that they trust the police (approximately 37 percent) than do the justice system (31 percent).<sup>289</sup> About the same proportion said that they “somewhat agree” they trust these institutions (approximately 41 percent for the police and 43 percent for the justice system).

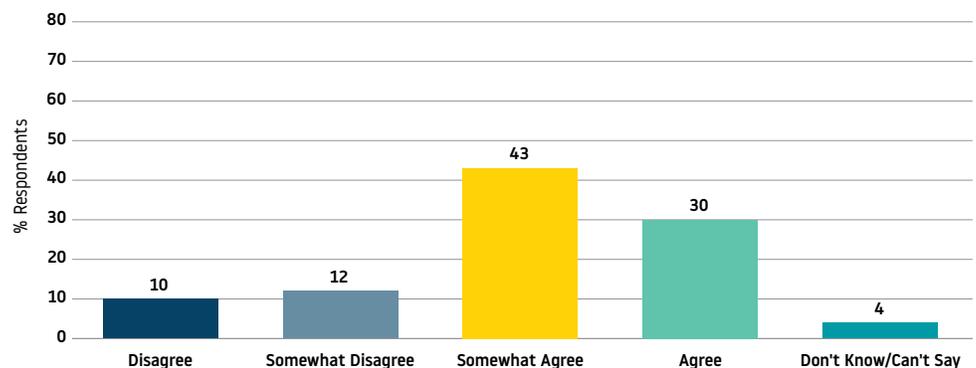
Figure 5.1 shows in the Centre’s *Pluralism Perceptions Survey*, trust in law enforcement in Australia is very low with less than 40 percent of participants having strong trust in police and law enforcement agencies.

**Figure 5.1**  
Trust police and law enforcement



Furthermore, consistent with this, the Centre’s *Pluralism Perceptions Survey* as shown in Figures 5.2 and 5.3 provides evidence of the overview of participants’ trust in Australian institutions. Only 30 percent of participants have strong trust in the justice system, while slightly more than half of the respondents have strong trust in the health system.

**Figure 5.2**  
Trust in the Justice System



**In Australia, bias-related crime against Indigenous and other minority groups is pervasive; however, there is a lack of confidence in institutions such as law enforcement agencies to protect against, and prevent, these crimes.**

There are several points of interest in these numbers. First, in some ways, the pattern of higher trust in the police than in the justice system is counterintuitive, with police being the first point of contact with an institution of the law for many people. It suggests that, for many Australians, their experience with the police has been supportive rather than threatening and therefore generally favourable, while for many the justice system will be an abstraction only. Second, for minorities, their experience with the police may be more mixed and ambivalent. For some, police authority may conjure memories of repression in the home country. Furthermore, for Arab communities, the use by New South Wales Police of the identity descriptor, “Of Middle Eastern Appearance,” is offensive and a form of racial profiling.<sup>290</sup> Third, migrants may have had rather more direct experience with some area of the justice system, where their concerns or claims have been rebuffed or where perhaps they or a family member incurred a penalty. Some will have experienced discrimination and may have found the recourse to be inadequate. For example, 30 percent of gay, lesbian or bisexual people in Australia say they experienced discrimination in the previous 12 months, compared to just 13 percent of Australians, in general, reporting such experience.<sup>291</sup>

Furthermore, in Australia, bias-related crime against Indigenous and other minority groups is pervasive; however, there is a lack of confidence in institutions such as law enforcement agencies to protect against, and prevent, these crimes. One reason is due to the inability of the law enforcement agencies to measure and monitor bias crime motivated by race, ethnicity, sexual orientation, disability status or gender identity and religion prevalent with victims from Indigenous, Asian, Indian, Pakistani and Muslim backgrounds. As such, bias crimes are under-recorded and underreported, and thus undermine public trust.

Unfortunately, there are no data on hand on Indigenous Peoples’ degree of trust in either police or the justice system. Both are likely to be lower than those indicated above, as their experience with both is much more common in a negative way than in the general population. The National Aboriginal and Torres Strait Islander Social Survey 2014-15 found the following:<sup>292</sup>

- About one-in-seven (14.5 percent) Aboriginal and Torres Strait Islander people aged 15 years and over said they had been arrested in the last five years (20.4 percent of males to 9.2 percent of females);
- Almost one in 10 (8.8 percent) had been incarcerated in their lifetime (13.6 percent in remote areas, 7.4 percent in non-remote areas); and
- Men were almost four times as likely as women to have been incarcerated (14.6 percent to 3.5 percent).

The impact of Indigenous communities’ experience with law enforcement and the criminal justice system, not least the disproportionate number of Aboriginal deaths in custody, would also weigh heavily. The *Guardian* recently reported that at least 475 Aboriginal people have died in custody *since* the conclusion of the Royal Commission into Aboriginal Deaths in Custody in 1991.<sup>293</sup>

# 19. INCLUSION AND ACCEPTANCE

## AVERAGE SCORE: 7

INDIGENOUS AUSTRALIANS | SCORE: 7

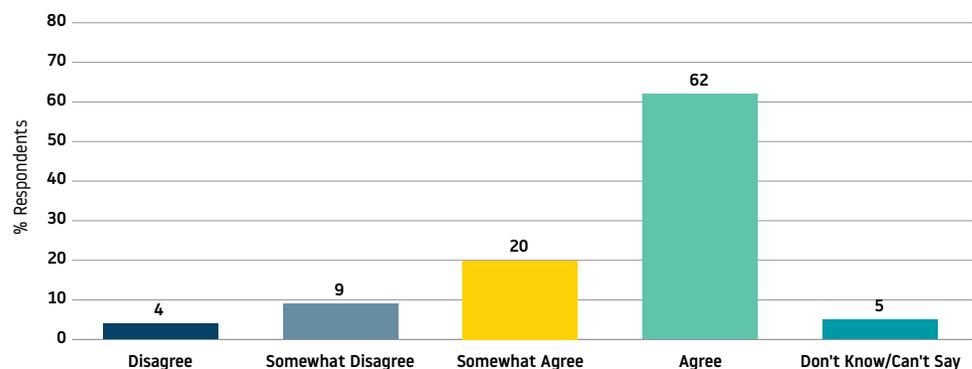
CALD MIGRANTS | SCORE: 7

TEMPORARY MIGRANTS | SCORE: 6

**86 percent of Australians believe multiculturalism has been good for Australia and aids pluralism, and this level of acceptance has been consistent in their previous studies including 84 percent (2013), and 85 percent (2014). Australians have a high level of acceptance among different groups.**

In general, the Australian population is accepting of diversity. Several surveys, including the 2015 *Mapping Social Cohesion Survey*, showed that public acceptance of diversity was consistently high.<sup>294</sup> The study showed that 86 percent of Australians believe multiculturalism has been good for Australia and aids pluralism,<sup>295</sup> and this level of acceptance has been consistent in their previous studies including 84 percent (2013), and 85 percent (2014). A significant finding in the Centre's *Pluralism Perceptions Survey* is the belief that Australians have a high level of acceptance among different groups. Figure 6.1 provides an overview of this, where 82 percent of participants either agree or somewhat agree that "others think I am Australian like them."

**Figure 6.1**  
**Others think I am an Australian like them**



Many minority groups also feel at home in Australia. This is particularly so in the larger cities where most migrants concentrate where there is a good deal of conviviality among diverse groups and their members.<sup>296</sup> In schools, workspaces and leisure places, everyday multiculturalism occurs in myriad intercultural interactions and through acts of mutual concern and kindness.<sup>297</sup>

Australians today are generally relaxed about people publicly expressing their cultural difference, even if, as discussed below, they may harbour philosophical reservations when pressed in a survey. For example, while a few conservative politicians pushed to have the hijab banned in Australian state schools in the mid-2000s following similar and tightening restrictions in some European countries, these calls went unheeded.<sup>298</sup> Surveys confirm that "there is little public objection to the hijab or the women who

**In short, diversity is accepted as long as it does not involve too much difference for too long.**

wear them.”<sup>299</sup> Even calls in 2014 to ban wearing the burka and niqab in the Australian Parliament by visiting members of the public, on security grounds, came to nothing.<sup>300</sup>

In the abstract, Australians overwhelmingly accept and support a diverse Australia. In the ABS GSS for 2020, the vast majority (85 percent) agreed that it is “a good thing for a society to be made up of people from different cultures.”<sup>301</sup> Similarly, in the Scanlon Foundation survey, 84 percent of respondents “strongly agree” or “agree” that “multiculturalism has been good for Australia,” and those strongly agreeing outnumber those strongly disagreeing by more than a factor of five. Some 71 percent overall strongly/agree that “accepting immigrants from many different countries makes Australia stronger”; 81 percent overall strongly/agree that “immigrants are generally good for Australia’s economy.”<sup>302</sup> Further, 62 percent thought that the immigration intake in recent years had been “about right” or “too low.”<sup>303</sup>

The degree of support for multiculturalism (having been good for Australia) is noteworthy. Age-wise, the strongest support is among the youngest cohort (96 percent for 18–24 years,) but it is still high for 75-year-olds and above (73 percent). Women are slightly more supportive than men (86 percent compared to 81 percent). Unsurprisingly, those from non-English speaking backgrounds are more supportive than those born in Australia or in other English-speaking countries (90 percent, 81 percent and 84 percent, respectively). As Andrew Markus, author of the survey report, noted, “it is unusual to find such a high level of positive response – at or above 80 percent – to any question that deals with a government policy that has been the subject of controversy.”<sup>304</sup>

However, what Australians understand by multiculturalism and diversity may differ from how it is understood in the academy or in other countries. The Scanlon Foundation survey also found that 89 percent of respondents strongly agree or agree that “in the modern world, maintaining the Australian way of life and culture is important.” The response ranged from 73 percent among 18–24-year-olds to 97 percent among the 75+ cohort.<sup>305</sup> Some 60 percent overall strongly/agree that “too many immigrants are not adopting Australian values,” though this was down from 67 percent in the 2019 survey. And 64 percent endorse the proposition that “ethnic minorities should not be given government assistance to maintain customs and traditions,” down from 69 percent in 2019.<sup>306</sup> Even so, those strongly opposing such assistance in 2020 are seven times more than those strongly supportive of it.<sup>307</sup>

Australians’ support for diversity and multiculturalism appears, then, to be qualified. This is not in the neo-liberal sense of rejecting state multiculturalism while welcoming a culturally diverse society. Rather, it is qualified by the apparent wish that even the diversity in society will dissipate, that minorities will not maintain their distinct customs and will instead adopt Australian patterns of life. In short, diversity is accepted as long as it does not involve too much difference for too long.

To be sure, other cleavages are evident here. Rural and regional Australians, the less educated and those who vote for the Liberal Party or the One Nation Party tend to be less supportive of increased immigration, multiculturalism and diversity, and tend to be more concerned with protecting Australian values, culture and identity than are city dwellers, the higher educated and supporters of the ALP and the Greens.<sup>308</sup> Nevertheless, the data suggest that Australians overwhelmingly view multiculturalism as an invitation to integrate into the Australian way of life and not as a license for minority cultural

**A small majority (54 percent) of respondents agree without qualification that they “can express their identity in public, without fear.”**

maintenance. The exception, of course, is food: diverse ethnic cooking and restaurants have entered the national imaginary.

A caveat also needs to be entered regarding the intergroup trust findings in the Centre’s *Pluralism Perceptions Survey*, discussed in Indicator 17. These indicate generally high trust in people from different communities or from a different gender, religion or race/ethnicity. The Scanlon Foundation survey explores feelings towards a number of specific national and religious groups via the question, “Would you say your feelings are positive, negative, or neutral?” in regard to nominated groups. British, Italians and Germans generated low “very negative” or “somewhat negative” responses (6–7 percent), Americans a bit higher (18 percent). However, several other national groups elicited substantial negative feelings (“very” and “somewhat”): Indians (28 percent), Ethiopians (35 percent), Lebanese (42 percent), Chinese (47 percent), Iraqis (49 percent) and Sudanese (49 percent). Among faith groups, Muslims (37 percent) received the highest negative appraisals. The next highest were Sikhs (13 percent), Hindus (12 percent) and Christians (11 percent).<sup>309</sup>

A substantial minority of the population thus expresses negative sentiment about a number of national and faith groups in the community, especially, Indians, Ethiopians, Lebanese, Chinese, Iraqis, Sudanese and Muslims. Such findings qualify the extent to which diversity is truly accepted in Australia, at least attitudinally when asked in a survey, which itself is a form of abstraction.

Given these prevalent attitudes, it is unsurprising that many Australians do not feel fully included and accepted in society. For example, in the Centre’s *Pluralism Perceptions Survey*, a small majority (54 percent) of respondents agree without qualification that they “can express their identity in public, without fear.” Some 30 percent felt they could only “somewhat agree” with this proposition, and about 14 percent strongly disagree or disagree with it.

The Scanlon Foundation survey provides further insight through exploring the experience of discrimination based on “skin colour, ethnic origin or religion” in the last 12 months (survey conducted in July 2020). While invidious discrimination of this kind does not directly target a minority’s language or culture as against visible markers of identity or inherited group membership, such discrimination scarcely provides an inclusive environment for the expression of targeted groups’ customs and traditions. Only 18 percent of respondents overall reported having experienced discrimination during this period. Those aged 25–44 experienced it most (24 percent), while those aged 75 and above experienced it least (2 percent).

However, the experience of discrimination was almost two-and-a-half times as prevalent among those from a non-English speaking background (34 percent) as among those born in Australia (14 percent) or in other English-speaking countries (15 percent). Combining and averaging the data for these groups across the four Scanlon Foundation surveys conducted between 2018 and 2020 produces a similar pattern: non-English speaking background (31 percent), Australian-born (a bit higher at 21.1 percent) and English-speaking background (16.5 percent). The numbers experiencing discrimination are also substantial for some faith groups. Averaged across the four surveys between 2018 and 2020, a majority of Muslims (55 percent) and sizeable proportions of Hindus (37 percent) and Buddhists (31 percent) report such experiences in the last 12 months.<sup>310</sup>

Experience of discrimination varied according to region and country of birth. In the Scanlon Foundation 2020 survey, 12 percent of those born in the UK or Ireland, 14 percent of the Australia-born and 39 percent of the Asian-born say they experienced discrimination during the past year. The 2020 survey also asked respondents to identify specific sites where they had experienced discrimination during the COVID-19 pandemic, finding that more respondents reported such an experience linked to a concrete place than did in response to the general question, suggesting the latter may understate the problem. Andrew Markus succinctly stated the findings regarding Asians:

Discrimination was often experienced in what seem to be casual encounters. Of respondents born in an Asian country, 29 percent indicated experience of discrimination when shopping, 19 percent on public transport, and 16 percent on the street, but also in formal contexts, at work (19 percent) and applying for work (16 percent).<sup>311</sup>

The problem is compounded by the loose talk and inflammatory rhetoric of some politicians about particular groups or ethnic minorities in general.<sup>312</sup> In one particularly egregious case in Parliament, in reference to alleged ethnic branch stacking in an ALP pre-selection battle, then Health Minister Tony Abbott asked, “Are there any Australians left in the so-called Australian Labor Party today?” In an instant, the minister had rhetorically disenfranchised every immigrant Australian as not being really Australian, and this in the “People’s House.”<sup>313</sup>

All told, these figures and episodes paint a picture of Australian society that is not altogether inclusive and welcoming for many Australians.

That picture is filled out by more focussed reports and studies of racism and discrimination in relation to particular groups or industries. The AHRC periodically reports, for example, on the discrimination and prejudice experienced by Muslims in Australia.<sup>314</sup> Their July 2021 report found that “almost 80 percent of Australian Muslims experience prejudice or discrimination, most commonly when dealing with law enforcement, in the workplace or when seeking employment, at shops or restaurants, and online.”<sup>315</sup> The Executive Council of Australian Jewry annually reports on anti-Semitic incidents around the country.<sup>316</sup> And many academic studies document racism and its effects in particular areas of the Australian economy and society.<sup>317</sup> Read together, these sources point to the need for continued effort and resources in building a more inclusive and accepting society.

Although there are limited research surveying temporary migrants on this precise question, given the various disadvantages imposed on them through policy decisions, the message the Australian government transmits is largely one of “fend for yourself whilst we treat you like cash cows,” which is hardly a recipe for feeling included and accepted. During COVID-19, the Victorian state government offered “hardship support for those on temporary or provisional visas” who lived in Victoria and had limited income or savings. A payment of up to \$800 (AUS) per person was on offer, and up to \$400 (AUS) for those who had previously received such support. Some other support was also available. Of course, these measures are modest but do indicate that temporary residents are being considered and are part of the community. While the federal government extended some international student visas in response to the pandemic, their general message to temporary residents and international students who suddenly found themselves without adequate means of support was: “It is time for you to go home.”

## 20. SHARED OWNERSHIP OF SOCIETY

### AVERAGE SCORE: 5

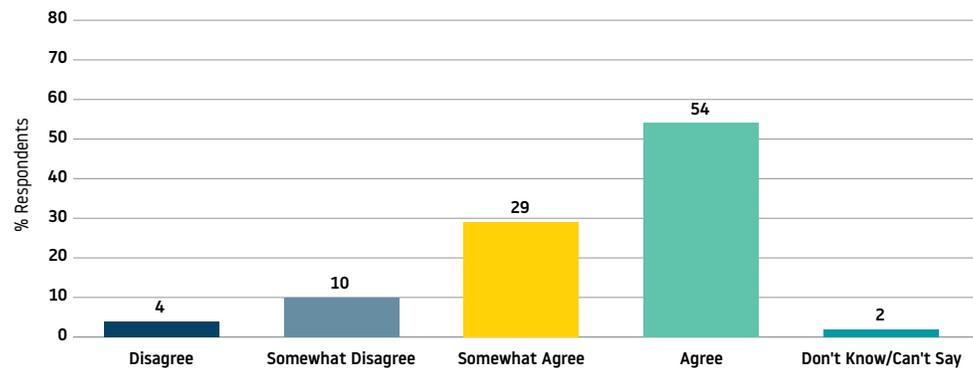
INDIGENOUS AUSTRALIANS | SCORE: 4

CALD MIGRANTS | SCORE: 7

TEMPORARY MIGRANTS | SCORE: 4

In Australia, it is important that all people feel they belong, as a sense of belonging is rooted in an individual's well-being, social cohesion and the strengthening of social capital.<sup>318</sup> Australian society has been shown to be highly stable and cohesive. International indicators including the UN Human Development Index, the OECD Better Life Index and the Economist Global Liveability Ranking put Australia among the top countries with good living standards. This is reflected in the Centre's *Pluralism Perceptions Survey* which shows that about 75 percent of participants somewhat agree or agree feeling comfortable in expressing their identity in public without fear (Figure 7.1).

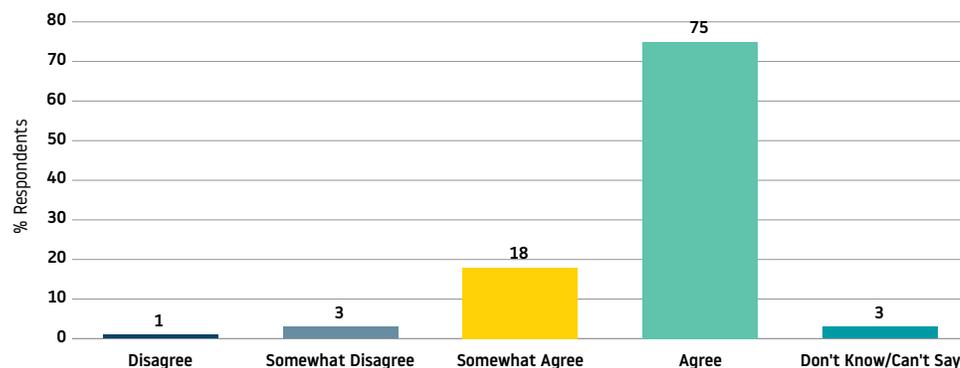
**Figure 7.1**  
Express identity in public, without fear



Other studies include the 2011–12 wave of the World Values Survey. In this survey, 70 percent of Australians reported they were very proud of their nationality. Figure 7.2 of the Centre's report depicts evidence of participants who agree or somewhat agree in identifying themselves as Australians and are glad to be an Australian (approximately 92 percent).

**Shared ownership cannot transpire without reconciliation.**

**Figure 7.2**  
**I am glad to be Australian**



For the reasons previously canvassed, Indigenous Australians have not yet received the recognition and accommodation needed for such a sense of shared ownership. Shared ownership cannot transpire without reconciliation.

Similarly, in the Scanlon Foundation 2020 survey, 92 percent of respondents agreed to a great (63 percent) or moderate (29 percent) extent that they “have a sense of belonging in Australia.” A majority in each of the five older age groups (from 35 to 75+ years) agree “to a great extent” with this proposition. Only the youngest cohort (18–24 years) indicates “moderate” agreement more so than “to a great extent.”<sup>319</sup> However, that appears to be part of a more general cosmopolitan outlook on the part of younger Australians (stronger support for multiculturalism, immigration and diversity; less concerned about Australian values, culture and national identity) rather than a sense of estrangement and not belonging.<sup>320</sup>

In general, there is a healthy sense of belonging. This does not apply in the case of every group. For example, a recent study of the Korean community in Sydney found that 90 percent of respondents identified as Korean and only 21 percent saw themselves as Australian. While there was a lack of participation in the wider Australian culture, abetted by limitations in English language proficiency and experience of racism in public places, there was also a pervasive lack of desire to engage much beyond the Korean community.<sup>321</sup>

What of a sense of shared ownership in society? Some items in the Centre’s *Pluralism Perceptions Survey* data are suggestive.

Notwithstanding their almost 80 percent unqualified sense of belonging as an Australian, about 30 percent fewer respondents agree without qualification that “I feel strong ties with Australians.” And about 26 percent fewer agree without qualification that “others think I am an Australian like them.” Given the wording of these test items, this sizeable drop in proportion can be assumed to reflect the responses of migrants and ethnic minorities as well Indigenous peoples in the survey sample. The drop suggests that, for many Australians, there is indeed a disjuncture between one’s sense of belonging in Australia and one’s sense of being an equal shareholder of it.

This much is further supported by two other test items in the Centre's *Pluralism Perceptions Survey*. Only a bare majority agreed without qualification to the propositions that one is "equally likely to be hired for a professional role as other Australians" and "equally likely to be promoted as other Australians." About 25 percent in each case "somewhat agreed," and about 15 percent expressly disagreed to some extent.<sup>322</sup> Bearing in mind that to "somewhat agree" is also to somewhat disagree, around 40 percent of respondents harbour reservations about being treated as an equal to "other Australians" in hiring and promotion.

For many minority communities, then, a sense of shared ownership in Australian society seems beyond reach even where there is a strong sense of belonging in Australia or a strong desire to belong.<sup>323</sup> Of course, for temporary migrants, the issue of shared ownership does not arise.

# RECOMMENDATIONS

## COMMITMENTS

- The Australian federal government should implement the UN Declaration on the Rights of Indigenous Peoples.
- Address the Australian legal systems framework to curb incarceration of Indigenous youth and combat existing inequalities for Indigenous Peoples.
- Australia must address the concerns expressed by UN member states and address issues regarding the detention of refugee children and indefinite detention of asylum seekers as well as raising the minimum age of criminal responsibility to 14 years.
- The Commonwealth Sex Discrimination Act 1984 (amended in 2013) should be further amended to include all rights for women contained in the CEDAW.
- The federal government should implement all outstanding recommendations from the Royal Commission into Aboriginal Deaths in Custody (1991); the Royal Commission into the Protection and Detention of Children in the Northern Territory (2016); the ALRC's report, Family Law for the Future: An Inquiry into the Family Law System (2019); and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (once completed).

## LEADERSHIP FOR PLURALISM

- Undertake constitutional and other reforms to allow Indigenous People's equitable participation and access as well as empowerment and self-determination in the economic, social and cultural domains.
- The federal government should address the existing Australian political inequalities contributing to lack of representation and participation of diverse communities (including women) in Parliament, government and other organizations in order to reflect the diversity of Australian society, including Aboriginal and Torres Strait Islander peoples, in the political, policy and service-delivery arenas.
- Collect and make available to academics and reputable research organizations police data on biased/hate crime.

## GROUP-BASED INEQUALITIES AND BELONGING

- Address structural and systemic inequalities including racism and discrimination that inhibit reforms needed to embrace a culturally safe approach to promote pluralism.
- The federal government should allocate funding support to civil society organizations with particular focus on multicultural organizations to respond to an increase in

bias/hate crimes, build active communities to increase police training in recording bias/hate crimes.

- Media and media organizations should be reformed in order to reflect the diversity of Australia's diverse communities, including Aboriginal and Torres Strait Islander peoples.

# NOTES

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