

NSW Charter of Principles for a Culturally Diverse Society

Ethnic Affairs Commission of New South Wales, “Enshrining the principles of cultural diversity in legislation” and Charter of Principles for a Culturally Diverse Society - Handbook, Sydney, Ethnic Affairs Commission of NSW, 1994 and 1997.

Enshrining the principles of cultural diversity in legislation

For the first time anywhere in Australia, the NSW Parliament has enshrined the principles of cultural diversity in State law. The principles recognise cultural, linguistic and religious diversity as a valuable resource for the development of the State.

The principles, included as amendments to the *Ethnic Affairs Commission Act, 1979*, were passed by the NSW Lower House in November 1996, and proclaimed in February 1997.

The amendments are a culmination of many years of action by the NSW Government in ethnic affairs. The framework was laid down in the late 1970s and 1980s, when the NSW Government recognised its key role in helping immigrants make a successful transition to a new life in Australia.

Beginning in 1983, the Ethnic Affairs Policy Statements (EAPS) program required all government departments to show how they would manage and provide services in a culturally diverse society.

In 1993, the then Government endorsed the *NSW Charter of Principles for a Culturally Diverse Society*. The Charter built on the progress made by the EAPS program over the previous decade, and emphasised the cultural diversity of the State as a national resource.

In 1996, the four principles of cultural diversity were made law in NSW.

As amended, Section 3 of the *Ethnic Affairs Commission Act, 1979*, now reads:

1) Parliament recognises and values the cultural diversity of the people of New South Wales. It does so by supporting and promoting the following principles of cultural diversity:

(a) Principle 1

All individuals in New South Wales should have the greatest opportunity to contribute to, and participate in, all aspects of public life.

(b) Principle 2

All individuals and public institutions should respect and accommodate the culture, language and religion of others within an Australian legal and institutional framework, where English is the primary language.

(c) Principle 3

All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided or administered by the Government of New South Wales.

(d) Principle 4

All public institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource, and promote this resource to maximise the development of the State.

(2) The principles of cultural diversity are the policy of the State.

(3) Accordingly, each public authority must observe the principles of cultural diversity in conducting its affairs.

(4) It is the duty of the chief executive officer of each public authority to implement the provisions of this section within the area of his or her administration.

(5) The cultural diversity of the people of New South Wales reflects the whole population of New South Wales, which comprises people from a range of cultural, ethnic, linguistic and religious backgrounds. The expression *cultural diversity* is to be construed accordingly.

After the NSW Government endorsed the Charter of Principles for a Culturally Diverse Society in 1993, the Ethnic Affairs Commission put out a Handbook outlining how the Charter should be applied in the public sector. Here is an excerpt.

What the Charter of Principles Means for the NSW Public Sector

From Principles to Practice

What are the implications of the four Principles of the Charter...

- for the State as a whole
- for an agency
- for members of the public?

Principle 1:

All individuals in NSW should have the greatest possible opportunity to contribute to, and participate in, all levels of public life.

Principle 1 expresses the ideal of participation - that all people, regardless of background, should

play their part in the important processes and institutions of the State.

This principle focuses on the right and the obligation individuals have to contribute to the development of the State, and the obligation on institutions to provide avenues for this right to be exercised.

For the State as a whole, Principle 1 means:

- Our most important institutions - the legislature, the judiciary, the senior levels of the bureaucracy, the police - should reflect the cultural diversity of the communities they serve.
- Our key decision making boards and committees must also reflect the cultural diversity of our population if they are to serve it.
- Everyone in NSW should have the opportunity to understand our political system, to exercise their right and meet their obligation to participate, and should receive any necessary assistance to make sure that their participation is purposeful and effective.

For an agency, Principle 1 means:

- Boards, committees and key advisory mechanisms should reflect the cultural diversity of the population as a whole.
- Key policy messages must reach all members of the intended audience, not just those plugged into mainstream sources of information. Thus communication strategies must be flexible and dynamic.

For members of the public, Principle 1 means:

- They should feel that public sector agencies are accessible and that their missions are clear.
- They should feel that the public sector is responsive to their needs, regardless of the background of any individual client.

- They should feel that they have a voice, or a right to a voice, in all significant public decisions.

Principle 2:

All individuals and public institutions should respect and accommodate the culture, language and religion of others within an Australian legal and institutional framework where English is the primary language.

This Principle envisions a society where differences of culture and language enhance the lives of all. It identifies the Australian legal and institutional framework as providing the boundaries within which people have the right to maintain their culture, language and religion. It also reaffirms the importance of the English language as a powerful unifying medium in our society.

For the State as a whole, Principle 2 means:

- That the input of our culturally diverse community must be sought, and respected, in any proposed institutional change, and accommodated as far as possible.

For example, in proposed changes to legislation, the legislative and institutional framework of the State reflects the historical basis on which it is built, together with subsequent changes that the community, as a whole, decides to implement.

For an agency, Principle 2 means:

- The agency will develop mechanisms for consultation which actively seek the input of diverse community groups, and respect, accommodate and incorporate the range of views expressed, as far as possible.
- The agency will have a clear, active and widely-understood policy on the provision of language services for clients, including the use of bilingual staff.
- Workplace organisation will be flexible enough to accommodate a diversity of religious affiliations among staff.

- Any rules or restrictions which unnecessarily or discriminately impact on the freedom of individuals in the workplace to express their language and cultural beliefs will be removed.

- Individual employees, and clients, will not be placed in situations which unnecessarily emphasise any differences in cultural or religious beliefs.

- Staff will have the training they need to meet the needs of a culturally diverse clientele.

- Key information items, signage and forms will appear in plain English, in recognised international symbolic form or in community languages as appropriate.

For members of the public, Principle 2 means:

- Regardless of their language background, they can expect that their communication needs will be met by Government agencies through one of a variety of strategies.
- Rules and regulations will be applied in a way which is sensitive to individual cultural and religious circumstances.
- Every member of the community will be encouraged to respect and accommodate the cultural diversity of the community.

Principle 3:

All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided and/or administered by NSW government institutions.

Principle 3 is about a society where government programs reach out to all the people regardless of their background. It seeks to give effect to the ideal of “equity of access”.

It also seeks, in its application, a reflection of the Government commitment to the Charter in dealings with the non-Government sector.

For the State as a whole, Principle 3 means:

- Government resources are used to their greatest effect, because gaps, overlaps and inefficiencies in program delivery are minimised.

For an agency, Principle 3 means:

- Program management data is detailed enough to ensure that programs are reaching all potential clients.
- Program evaluation uses ethnic community satisfaction as a measure of success.
- The performance of managers is measured in part by their success in planning for diversity.
- All staff will have opportunities for training, and promotional procedures will be based on merit.
- Charter implementation planning is integrated with overall corporate planning.
- Publicity and communication strategies are designed to reach all sectors of the community.
- Consultation mechanisms are diverse and flexible enough to take the views of all clients into account, regardless of their background.
- Agencies actively seek feedback that can be obtained from the widest possible range of clients.
- Staffing strategies, including the establishment of identified positions, have the two-fold aim of increasing access for all clients, and of providing opportunities to people with linguistic and/or cultural skills.
- Activities and programs that are contracted out to private sector providers are done so in accordance with adoption of the principles of the Charter forming one element of the evaluation process, for example, during the consideration of tenders.

For members of the public, Principle 3 means:

- They are able to access government programs and services, and to participate in all levels of activities of the NSW Government which will benefit the whole community.
- Programs and services are relevant to their needs and sensitive to cultural difference.
- Programs and service information is accessible, understandable, timely and relevant.
- Membership of Boards and Committees reflect the cultural diversity of the community.

Principle 4:

All NSW public institutions should recognise the linguistic and cultural assets in the NSW population as a valuable resource and utilise and promote this resource to maximise the development of the state.

Principle 4 seeks to ensure that the great potential pool of knowledge, experience, skills, contacts and other perspectives among our ethnic communities is used for the benefit of the State.

For the State as a whole, Principle 4 means:

- That the State can benefit from the contribution of its culturally diverse community, and that efforts must be made to ensure that these assets are harnessed for the enrichment of the State.

For an agency, Principle 4 means:

- Competence in a language other than English is identified as an asset (rather than a deficit) in work force planning.
- Overseas-gained knowledge, experience, skills, and qualifications among staff are identified and utilised. This also applies to the participation of members of the community on advisory/consultative bodies/committees.

- Priority is given to programs which enhance the productivity of language, cultural or overseas-gained vocational skills in the community.
- Value will be placed on using the relevant overseas contacts of staff and members of the community.

For members of the public, Principle 4 means:

- They will be confident that the government and the community values their skills and abilities, through participation in advisory bodies and committees, consultation processes and fair employment opportunities.
- They will be members of a community whose government programs and services have been developed using the widest possible range of skills and experience, and so incorporate the best of local and international practice.