ECCWA Submission to the Joint Parliamentary Inquiry into Migrant Settlement Outcomes

Introduction/background
The Ethnic Communities Council of Western Australia (ECCWA) which is the peak body for CaLD communities in WA was established in 1980. It is pleased to provide this submission on migrant settlement outcomes.

ECCWA commends the parliament for initiating this inquiry but regrets that its timing is somewhat unfortunate given the:

- Recent establishment of the Humanitarian Settlement Program (HSP) through the merger of the Humanitarian Settlement Services program and the Complex Case Management program;
- Commencement of the tender process for the same in November 2017

ECCWA strongly recommends that the tender process be paused until this Inquiry is completed so that its findings can inform the future of this very important program especially since successful applicants are to be given a 5+5 year period to implement it.

Under the circumstances ECCWA believes it is reasonable for current HSS and CCM providers to be given a six month extension to enable the Department of Social Services (DSS) to fully take into account the outcomes of this Inquiry in finalising the terms of the HSP tender.

2 Our responses to the specific terms of reference of the Inquiry are as follows:

2.1 "The mix, coordination and extent of settlement services available and the effectiveness of these services in promoting better settlement outcomes for migrants"
Australia's mix and range of settlement services which inter alia includes, HSS, SGP, CCM, torture and trauma counselling , AMES, health screening etc. are arguably as good as any in the world. However, Settlement Service provision in Australia is based on the fallacious premise that within 5 years of their arrival in Australia, migrants and refugees can address their unmet needs and concerns without access to such programs afterwards.

This arbitrary figure of 5 years has to be lifted particularly in the case of those who have not acquired/unable to acquire adequate English proficiency to address their needs themselves or by accessing alternative services. Another rationale for lifting this arbitrary figure is to extend the Australian government's client/service delivery philosophy reflected by contemporary terminologies such as "choice and control", "reasonable and necessary" etc.

The Commonwealth's Community Proposal Pilot program operates only in NSW, Victoria and South Australia and only five agencies have been approved to deliver it. ECCWA believes that this program should be extended to all states as a matter of urgency as the community will strongly back this program and contribute financially and on other ways to achieve the desired outcomes. The pilot has already proven that it delivers value for money to the Australian Government.

The Commonwealth is understandably requiring HSS and SGP service agencies to do more in the area of employment given the rates of unemployment and under employment within certain new and emerging communities. One of our member organisations has provided employment for about 30 such people in the last six months without any of them being referred to it by a JobActive provider and yet the other providers have received the full outcome fee that applies under that program. This situation needs to be addressed and the employment outcomes that HSS and SGP service agencies achieve in this regard should be acknowledged and financially rewarded accordingly. The lack of CaLD specialist Job Active and DES (Disability Employment Services) providers is disadvantaging the humanitarian entrants and other migrant job seekers with limited English and employment history.

Mental health is another area of concern and it is ironic that the provision of Torture and Trauma Services that used to be part of the Integrated Humanitarian Settlement Strategy (IHSS) was taken when the "Integrated" was dropped from its name. In our view the Torture and Trauma assessment and counselling needs of Humanitarian entrants were better addressed under IHSS than HSS as many providers of the latter are not equipped to provide the service/don't necessarily make referrals to relevant agencies in all cases. This should be addressed as a matter of urgency so that it is included in the HSP suite of services.

Inadequate access to professional interpreting and translation services still remains a barrier to successful settlement. Whilst state and territory governments have language services policies to ensure that those not proficient in English have access to such services, states like WA have no mechanisms in place to monitor whether this policy is being implemented effectively by state agencies.

The Commonwealth's TIS services is far too restrictive and important such as Allied health have no cost free access to TIS. Linguistically appropriate allied health services cannot be provided unless this policy of TIS is changed.

A similar situation is emerging with regard to the NDIS with moves afoot to stop remove interpreting services from the schedule of service as lack of English language proficiency is not considered to be "disability-related". Such action would compromise service provision by mainstream providers and leave them open to "negligence" claims. It also makes a mockery of service delivery principles such as reasonable and necessary, choice and control and consumer directed care as none of this would be meaningful unless a person not proficient in English has access to an interpreter.

Lastly and most importantly the remuneration of interpreters is woeful in absolute and comparative terms with other professions and not surprisingly many have ceased practicing as one. Urgent action is required to ensure that the payment and conditions of interpreters reflect more accurately the complexity of the work that they undertake as well as the sessional nature of their work, for otherwise we risk losing many experienced professionals as they are being forced to look for better paid employment in other fields.

The department of Immigration was inept in managing the settlement services program especially in the last decade or so as program and funding decisions were substantially made at the national and not state levels and by persons who did not have formal qualifications or experience in social work or in the provision of community services let alone services for migrants and refugees. Therefore the commonwealth government should be commended for transferring the settlement services portfolio responsibilities to the Department to DSS. That department now has to address some disastrous legacies it inherited including the Department of Immigration's decision which led to agencies that provided settlement services for decades in a particular geographic area being prevented from providing their services from that area. This occurred because of the approach that the Department of Immigration adopted in allocating grants, for geographic locations without taking into account the end dates of contracts of all service providers in that region. As a

consequence clients now have to go to more than one service provider to have their multiple needs met when previously this could be done with a visit to just one provider. With DSS taking over this portfolio responsibility and the grants of all service providers now scheduled to come to an end at the same time, it will soon be possible to address this situation effectively.

Decision making was far too centralised within the Department of Immigration and it is absolutely critical for the effectiveness of implementation of programs such as SGP and HSS, that decentralised decision making is guaranteed. Another issue of concern with that department was its inflexibility in administering contracts especially HSS and it is our understanding that with DSS taking over that program this has been addressed.

However much more needs to be done to address the integrated settlement planning vacuum that exists at all levels of government. “A National framework For Settlement Planning” was developed by the Department of Immigration and Multicultural Affairs (DIMA) in line with recommendations of the May 2003 Review of Settlement Services for Migrants and Humanitarian Entrants and following consultation in late 2005 and early 2006 with key program Areas within DIMA’s National, State and Territory Offices and the Refugee Resettlement Advisory Council. This framework has all but disappeared.

During the tenure of the Gallop government, Western Australia had an effective mechanism in place which involved relevant commonwealth and state government agencies as well the multicultural sector, including our Council, to oversee settlement planning and implementation. Thanks to this mechanism it was possible for issues of concerns at the state level to be drawn to the attention of the meeting of Commonwealth and state Ministers for Immigration and Multicultural Affairs/Interests.

The multicultural sector was then excluded from it and ECCWA is unaware if indeed there is anything left of this mechanism for settlement planning and implementation and this should be addressed as a matter of priority.

About two years ago the Fremantle Multicultural Centre and the Multicultural Services Centre of WA initiated discussions between agencies funded to deliver the Settlement Grants Program to promote collaboration, minimise duplication, share best practices etc. Whilst it got off to a promising start, unfortunately it is no longer in operation.

The Gallop government was responsible for the development of the state Multiculturalism charter and the Anti-Racism Strategy as well the Language Services and Substantive equality policies. Together this comprised an excellent framework not just for successful settlement but also for social cohesion in WA. Whilst the Barnett government adopted this framework, it has regretfully emasculated it such that the state of multiculturalism and substantive equality in WA is arguably the worst it has ever been.

2.2 “The national and international best practice strategies for improving migrant settlement outcomes and prospects;”

The Federal Office of Multicultural Affairs**,** the Australia. Bureau of Immigration, Multicultural and Population Research and similar bodies undertook work in documenting best practice strategies for improving migrant settlement outcomes and prospects. With the demise of these bodies much less research is being undertaken and our Council is not aware work undertaken in this regard by other bodies.

Whilst the principle of best practice is worth considering, it is important to acknowledge that best practices cannot always be replicated in regions other than where it was trialled given the uniqueness of each region from the perspectives of its demographics and service delivery profile. Regardless, ECCWA believes that it is important to document and share best practices and strategies that are being implemented nationally and internationally for

improving migrant settlement outcomes and prospects and DSS should take the lead role to facilitate this.

One practice/strategy that needs to be considered urgently is the role of ethno-specific organisations in the settlement of migrants and refugees. Since the late 70s the Settlement Grants program in its many iterations has funded hundreds of ethno specific agencies to provide a range of settlement services for their members and many of them succeeded in effectively achieving their contractual outcomes.

It is ironic that it is visible minorities that have missed out on these opportunities and arguably it is they that require such support more than any other group. It is therefore critical that this issue be explored as a matter of urgency to ascertain how best they can be involved in the provision of settlement services, especially given the commonwealth emphasis on "consumer directed care" and concepts such as choice and control.

2.3 "The importance of English language ability on a migrant's, or prospective migrant's, settlement outcome;"

Australia's non-discriminatory immigration entry policy has served it well for decades and should not be tampered with. Undue emphasis on English language ability prior to migration will undermine this policy. Most importantly, there is ample empirical evidence to demonstrate that waves of post war migrants with limited or no English proficiency on arrival have since contributed significantly to the social, economic and cultural development of Australia. These outcomes were achieved without them accessing the range of English language tuition (AMEP, SEE, WELL etc.) that are now available to new arrivals.

Whilst English language ability obviously has a favourable impact in facilitating settlement, undue emphasis should not be placed on it, for other factors are just as important/more important than it. This is epitomised by the fact, there are still many Australians who arrived since the 50s who have not acquired English proficiency but have had a successful working life or self-employment including small and medium size business enterprises in Australia. ECCWA therefore believes that the emphasis should be on providing a range of English tuition programs to facilitate the learning of English on arrival as opposed to screening out genuine people from entering the country.

Despite decades of having multiculturalism as a policy framework, sadly bilingualism let alone multilingualism have not flourished in Australia. The language assets that Australia has are largely those of immigrants and refugees who have migrated to Australia and their children and not what other Australian born have acquired. Undue emphasis on English proficiency prior to arrival puts at risk the growth of our rich community language assets and the economic benefits to the national economy resulting from it.

2.4 "Whether current migration processes adequately assess a prospective migrant's settlement prospects;"

As mentioned previously, Australia's non-discriminatory immigration entry policy has served it well for decades and should not be tampered with. Our migration processes are very robust and in particular the health standards that are required to be met are extremely harsh and have remained that way, because the Immigration Legalisation and processes are exempt from the Disability discrimination Act. Given that Australia is a signatory to the Universal Declaration of Human Rights and the United Nations Convention on the Rights of Persons with Disabilities, it is time that it removed this exemption and processed the applications of prospective immigrants with disabilities without discriminating against them.

There are no magic formulae to assess a prospective migrant's settlement prospects and it is not possible to guarantee that that all migrants will settle successfully let alone permanently in Australia. Thousands of migrants choose to return to their home countries or move onto a third country, (even during boom periods) despite having migrated to Australia from "English speaking countries" and or from Anglo-Celtic societies.

There is ample empirical evidence from commonwealth government funded research studies that immigration (of both refugees and migrants) has made substantial positive contribution to our economy in terms of national income and growth, trade, employment etc. and that it without any contributions from other taxpayers is more than meeting the costs involved in administering the immigration and settlement programs and services. ECCWA therefore strongly recommends that no changes be made to tamper with existing processes other than ending the discrimination against prospective migrants with disabilities.

2.5 Other related matters

2.5.1 "**Adequacy of the Migration Act 1958 character test provisions as a means to address issues/ behaviour arising from social engagement of youth migrants, including involvement of youth migrants in anti-social behaviour such as gang activity"**

"Gang activity" is a law and order matter for states and territories and their respective criminal codes have adequate provisions to deal with it. ECCWA would argue that the current character test provisions are already unduly harsh and should be watered down to deal with individual situations much more compassionately. Before these provisions became law ECCWA argued strongly against them through written submissions and by appearing before the parliamentary committee.

The Character test provides for Ministerial cancellations of visas without the rules of natural justice applying and that is astounding in a civil democracy such as Australia, especially when the Minister is only expected to be "reasonably suspicious" that the person has been or is involved in conduct constituting one or more of the actions mentioned in the Act.

Denying a person natural justice on the basis of so called reasonable suspicion is deplorable for a country that believes in the Rule of Law and expects its migrants and refugees to abide by it. That alone justifies the redrafting of these provisions to make them fair, reasonable and responsive to circumstances that impact not just on the individual concerned but his/her family too.

2.5.2 Social Cohesion

The onus of successful settlement cannot be placed entirely on migrants and refugees and it has to be shared by the host society as well. The latter has not been addressed adequately let alone effectively at local, state and commonwealth government levels.

Whilst a lack of government funded programs and the very limited amount of corporate social responsibility dollars being assigned to this area is of major concern, much more troubling is the Dog whistling that politicians, including Ministers and Prime Minsters) have engaged in labelling/castigating certain ethnic and religious groups.

The current Minister for Immigration and the Commonwealth Attorney General are cases in point, the latter for his remarkable view that "Australians have the right to be bigots" to justify changes to Section 18 C of the Racial Discrimination Act.

ECCWA wishes to draw the Inquiry's attention to MercyCare's choice of Munjed Al Muderis to deliver the 2016 MercyCare Oration. In its media release to mark the occasion, ECCWA acknowledged, "MercyCare's passionate advocacy for the rights and wellbeing of people seeking asylum, is extremely praiseworthy. The choice of Munjed exemplifies this advocacy and passion for it is through examples like him, we can bring about factual and less emotive public discussions about the global refugee crisis and how Australia can respond". Such events need to be replicated across Australia and commonwealth and state governments should contribute towards it.

Two other issues from settlement and social cohesion perspectives that are of concern are the celebration of "Harmony Day" and Institutional Racism. The latter is alive and well in Western Australia and ironically the state government itself is leading by example! It was

responsible for ceasing the annual funding that ALP and Coalition governments had provided the Ethnic Communities Council of Western Australia for decades and its disgraceful actions are outlined in the Attachment "ECCWA funding restoration". Another of its unwise actions is the dismantling of the Substantive Equality unit within the WA Equality Opportunity Commission.

ECCWA believes that the Commonwealth should take over the responsibility for substantive equality and replace its Access and Equity Plans with Substantive Equality Plans and enter into agreements with state and territory governments to ensure that all government agencies report how they have fulfilled their Substantive Equality obligations.

As for "Harmony Day", it originated in Western Australia when the Hon. Mike Board was the Minister for Citizenship and Multicultural Interests. The Minister was well intentioned and clearly committed to promoting a just and harmonious society but the choice of 21st March to celebrate as "Harmony Day" was unfortunate because it happens to be "the International Day for the Elimination of Racial Discrimination" when the United Nation urges member states to renew their commitment to building a world of justice, equality and dignity, where racial discrimination has no place. That day was also chosen to remind humanity about the atrocities of the Sharpeville Massacre. ECCWA lobbied the Gallop Government to swap Harmony Day for Harmony Week, and 21st March which falls in that week is devoted to an event/dialogue on matters of racial justice, equality and dignity. Sadly the Commonwealth continues to promote and celebrate Harmony Day on 21st March each year and ECCWA urges it to follow the Western Australian example and swap it for Harmony Week.

2.5. 3 Systemic Advocacy
Systemic Advocacy has a crucial role to play in articulating the impediments to effective settlements and advocating cost effective solutions. To be undertaken "independent" and so perceived, this role cannot be assigned to service providers or an agency that represents just service providers. From this perspective, the organisations that can fulfil this role and responsibilities are FECCA, MYAN and NEDA and their constituent member organisations. Commonwealth, state and territory governments should fund these organisations to undertake systemic advocacy relating to settlement services.

2.5.4 Family Migration
Historically, family migration has played a crucial part in the effective settlement of migrants and refugees. However, in recent times access to family migration has been increasingly restrictive and it is critical that this be reviewed as a matter of urgency and changes made to alleviate the situation. It is also important that agencies like the Humanitarian Group be funded to assist migrants and refugees to complete the applications and to provide other assistance for this purpose.

2.5.5 Citizenship
Anecdotal evidence suggest that many permanent residents are not seeking citizenship despite having completed the four year residency period reportedly because of the rigorous nature of the assessment of applications. Citizenship is the arguably the ultimate indicator of "satisfactory completion of settlement" and it is therefore crucial that this matter be investigated and action taken to allay concerns to ensure that those residentially eligible for citizenship do not delay taking it up.

3 Recommendations:
ECCWA urges the Inquiry Committee to consider the following recommendations:
3.1 Pause the HSP Tender process until this parliamentary inquiry is completed

3.2 Extend the current HSP and CCM contracts with service providers till the Inquiry findings are able to inform the HSP tender.

3.3 Use the Job Active Tender procurement and fee structure model with the commonwealth determining the fees for the provision of various components of the HSP and then choosing the agencies that demonstrate their ability to achieve the program outcomes.

3.4 Extend the 5 year cut off period of Settlement services to enable those who are not proficient in English to access them or create a new program perhaps jointly funded by the state and commonwealth to address their unmet needs.

3.5 With all SGP program grants now scheduled to come to an end at the same time, DSS should ensure that all service providers are given equal opportunities to provide services in locations they are well equipped to do so to enable clients with multiple needs met to have them met without having to go to more than one service provider.

3.6 Re-establish Settlement planning structures in all states and territories and ensure that they includes service providers.

3.7 Explore as a matter of urgency how best ethno specific agencies can be involved in the provision of settlement services, especially given the commonwealth emphasis on "consumer directed care" and concepts such as choice and control.
3.8 Remove the exemption from the Disability Discrimination Act that the Immigration Act currently enjoys in order to end the discrimination against prospective migrants with disabilities or with family members who have disabilities.

3.9 Redraft the provisions of the Character Test to make them reasonable and responsive to circumstances that impact not just on the individual concerned, but their family too and to ensure that they comply with natural justice and procedural fairness.

3.10 Ensure the retention of Section 18 C of the Racial Discrimination Act in its current form.

3.11 Replace the Commonwealth's Access and Equity Plans with Substantive Equality Plans and urge it to enter into agreements with state and territory governments to ensure that all government agencies report how they have fulfilled their Substantive Equality obligations.

3.12 Cease the celebration of Harmony Day on 21st March and swap it for Harmony Week.

3.13 Extend the Commonwealth's Community Proposal Pilot program to all states and territories.

3.14 Seek to eliminate institutional racism particularly those practices by commonwealth, state and local government agencies.

3.15 Torture and Trauma Services should be included in the HSP suite of services and this should be reflected in the tender for the same. The woeful inadequacy of clinical multicultural mental health services within the public health and community sectors should be addressed as a matter of urgency.

3.16 Migrants and refuges who have been in Australia for up to five years should be given cost free access to the Commonwealth's TIS services to avail of Allied health services. CaLD NDIS consumers should have no cost free access to cost free professional interpreting services so that service delivery principles such as reasonable and necessary, choice and control and consumer directed care are meaningful to them. Urgent action is required to ensure that the payment and conditions of interpreters reflect more accurately the complexity of the work that they undertake as well as the sessional nature of their work.

3.17 Commonwealth, state and territory governments should fund FECCA, MYAN and NEDA and their state and territory based members to undertake systemic advocacy relating to settlement services.

3.18 Access to family migration be reviewed as a matter of urgency and changes made to alleviate the difficulties faced by permanent residents especially those who came to Australia as refugees or Humanitarian entrants. Agencies like the Humanitarian Group should be adequately funded to assist migrants and refugees to complete family migration applications and to provide other assistance for this purpose.

3.19 A review be undertaken urgently to explore why permanent residents are not seeking citizenship despite having completed the four year residency period and action taken to allay concerns to ensure that those residentially eligible for citizenship do not delay taking it up.

4 Conclusion:
ECCWA believes that Australia has got a range of programs and services as well as service providers that are well equipped to effectively address the settlement needs and concerns. But there is much room for improvement and our recommendations if implemented would be helpful.

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