



How Well Does Australian Democracy Serve Immigrant Australians?

Prepared by
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Centre for Immigration and Multicultural Studies
The Australian National University

for the
**Democratic Audit
of Australia**

Political Science Program
Research School of Social Sciences
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Report No. 1

The Democratic Audit of Australia —Testing the Strength of Australian Democracy

PAGE ii

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An online version of this paper can be found by going to the Democratic Audit of Australia website at:
<http://democratic.audit.anu.edu.au>

PAGE iii

From 2002 to 2005 the Political Science Program in the Australian National University's Research School of Social Sciences is conducting an Audit to assess Australia's strengths and weaknesses as a democratic society.

The Audit has three specific aims:

- (1) *Contributing to Methodology:* To make a major methodological contribution to the assessment of democracy—particularly through the study of federalism and through incorporating disagreements about 'democracy' into the research design;
- (2) *Benchmarking:* To provide benchmarks for monitoring and international comparisons—our data can be used, for example, to track the progress of government reforms as well as to compare Australia with other countries; and
- (3) *Promoting Debate:* To promote public debate over democratic issues and over how Australia's democratic arrangements might be improved. The Audit website hosts lively debate on democratic issues and complements the production of reports like this.

Background

The Audit approach recognises that democracy is a complex notion; therefore we are applying a detailed set of Audit questions already field-tested in various overseas countries. These questions were pioneered in the United Kingdom with related studies in Sweden; then further developed under the auspices of

the International Institute for Democracy and Electoral Assistance—IDEA—in Stockholm which recently arranged testing in eight countries including New Zealand. We have devised additional questions to take account of differing views about democracy and because Australia is the first country with a federal system to undertake an Audit.

Further Information

For further information about the Audit, please see the Audit website at: <http://democratic.audit.anu.edu.au>

Funding

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Executive Summary

Immigration is an important site for testing commitment to democratic values and human rights. As part of auditing Australian democracy, we must consider whether and how political equality is being guaranteed within a multicultural society.

Australia is outstandingly an immigrant society, with almost one-quarter of Australians being overseas-born. These characteristics are not reflected in our legislative institutions, in part because our political parties are dominated by the Australian-born, in part because of Australian resistance to special provision for ethnic minorities. In many cases where an 'ethnic' candidate seems likely to secure preselection for a winnable seat, there has been friction and dispute.

In terms of civil and political rights the picture is mixed. On the one hand, Australia has one of the shortest waiting periods in the world for those accepted as permanent residents to become eligible for citizenship. On the other hand, several million Australians possessing dual nationality are eligible to vote but not to stand for election to federal parliament without going through a renunciation procedure.

There is statutory protection from racial discrimination and racial vilification but implementing these statutes remains a problem. Similarly there have been innovative attempts to create a responsive public service through access and equity programs but these have been subject to ill-informed attacks on 'special treatment'. In terms of civil society, there is currently no effective national voice for the millions of 'ethnic' Australians who make up such a large part of the metropolitan population.

Australia has avoided much of the ethnic tension experienced in other democracies in recent years by operating a controlled and planned immigration program and by its distance from the major migration streams. On the other hand, Australia's long-term detention without trial of several thousand people and attempts to limit their access to legal appeal raise serious issues of human rights. The harsh treatment of asylum seekers, introduction of temporary protection visas for refugees, and restrictions on access to welfare and family reunion for recent arrivals, all add up to a picture where the civic rights of citizens are relatively secure but the human rights of non-citizens are vulnerable.

Table of Contents

The Democratic Audit of Australia—Testing the Strength of Australian Democracy	iii
Executive Summary	v
Glossary	viii
Introduction	1
How immigrants participate in politics	6
Problems implementing anti-discrimination legislation	9
Accessing civic rights	14
Accessing public services	19
Achieving political representation	22
Influencing political parties	33
How ethnic organisations lobby	37
How governments respond	43
Controlling immigration	44
The rights of asylum seekers	46
Multiculturalism—threats and opportunities	49
Overall finding	53
References	54

Glossary

ACT	Australian Capital Territory
ALP	Australian Labor Party
CALD	culturally and linguistically diverse
ECC	Ethnic Communities' Council
FECCA	Federation of Ethnic Communities' Councils of Australia
HREOC	Human Rights and Equal Opportunity Commission
LGA	local government authority
LOTE	language other than English
MESC	main English speaking countries
MP	Member of Parliament
MRC	Migrant Resource Centre
NESB	non-English speaking background
NESB 1	born overseas in non-English speaking countries
NESB 2	Australian-born with one or both parents NESB 1

Introduction

For the purposes of this audit, political equality requires liberal citizenship laws, equitable access to power and public services, special services for those of differing languages or religions, diverse ethnic representation in elected bodies and the public service, and protection from racial hostility, quite apart from such 'non-political' benefits as economic and social mobility.

Australia is one of the few immigrant societies in the world. The great majority of its people have originated from elsewhere within the past two centuries. Over the past fifty years there has been increasing diversity in the source countries from which they have come. Any evaluation of Australian democracy must consider whether and how political equality is being guaranteed within a multicultural society. Immigration is an important site for testing commitment to political equality and human rights.

This audit will cover civil and political rights and political participation and representation, and will provide comparisons with other countries in which democratic audits have taken place, in particular New Zealand, Canada and the United Kingdom—all of them with substantial ethnic minorities resulting from immigration. Indigenous Australians will be considered here only in so far as they might be distinctly represented in elected bodies.

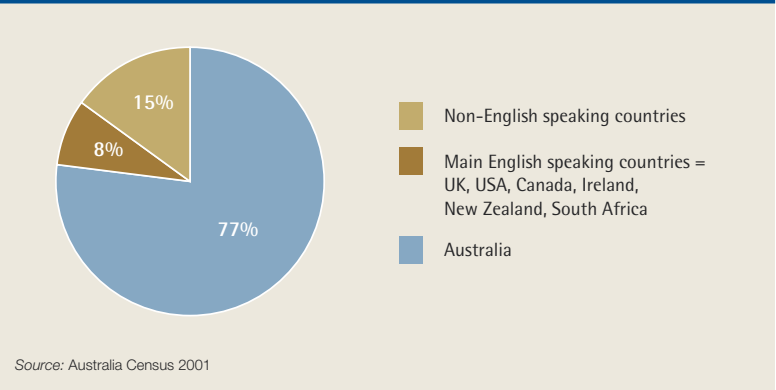
An immigrant society

Australia shares its nature as an immigrant society with the United States, Canada, Argentina, Chile, Uruguay, and locally with New Zealand and Singapore (Freeman and Jupp 1992). Since the 1950s it has encouraged non-British immigrants and since the 1970s it has ceased to discriminate against non-Europeans. It is certainly not ‘the most multicultural country in the world’, as often claimed by politicians. But it does have a proportion of the overseas-born at almost one-quarter which is rivalled only in a handful of states such as Israel or the Gulf sheikhdoms. Public policy between 1788 and the 1960s was to build a society by recruitment from the United Kingdom. Immigration policy for the past thirty years has officially rejected recruitment based on race, colour or creed—a complete reversal of practices over the preceding century (Jupp 2002).

Instead of ethnic diversity being prevented by exclusion, it is now ‘managed’ by the state so as to maintain social harmony and common purposes. Australia is not unique in this respect. Many other states face the same problems or much more acute ones. Comparisons across states are difficult as they adopt different terminologies based on their local experience. Thus the United States is still concerned with ‘race’ whereas Australia has now moved on beyond this, at least in official formulations. Canada is centrally concerned with language, New Zealand with the Indigenous/settler dichotomy. In the United Kingdom the term ‘ethnic group’ refers only to those who in Canada are called ‘visible minorities’. There is considerable controversy and ambiguity about the validity of the term ‘multiculturalism’ in the United States, and to a lesser extent in the United Kingdom. But Australia has developed the concept of

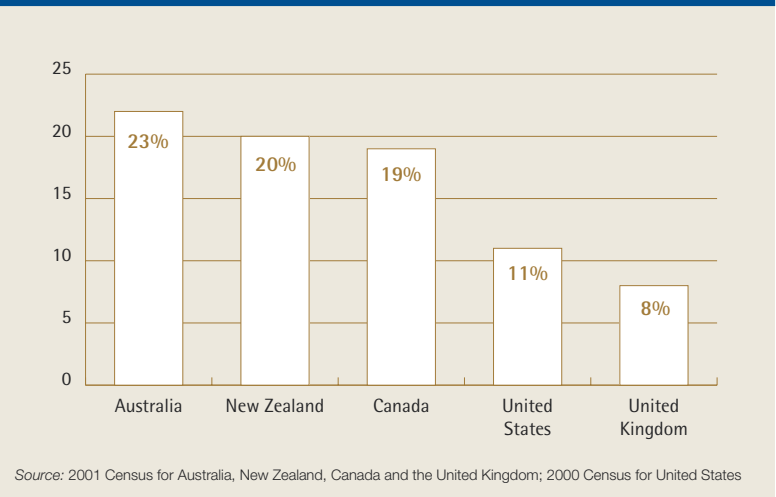
a multicultural, liberal democracy quite consciously for several decades, despite continuing scepticism and even hostility from sections of the public (Vearing 1991; Gardiner-Green 1993).

Figure 1: Australian birthplaces 2001



Almost a quarter of Australians are overseas-born

Figure 2: Overseas-born percentage by country

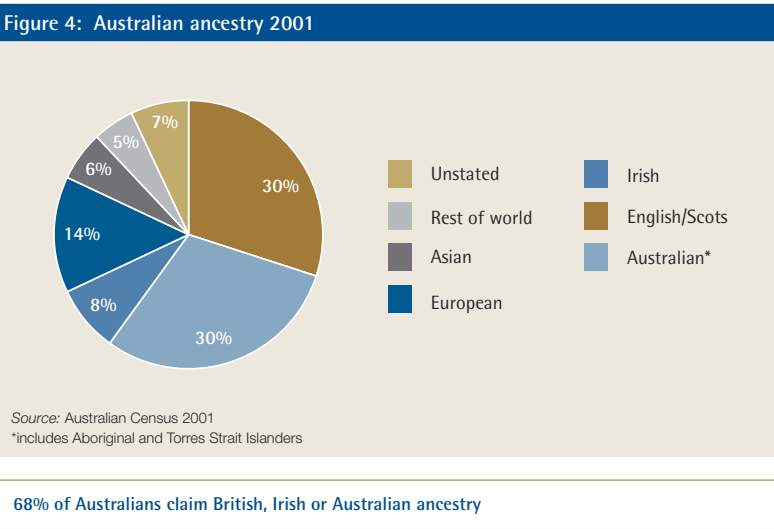


Australia exceeds main English-speaking countries in % of overseas-born

The diversity of Australia needs to be kept in perspective to explain why the influence of immigration on political institutions and practices has been rather modest. Three-quarters of the population are essentially of British and/or Irish descent, including one million British immigrants and their 1.5 million locally-born children. The 2001 Census showed 38 per cent claiming British or Irish ancestry and 30 per cent claiming Australian, a total of 68 per cent. This proportion is even higher in most positions of power and influence, though not necessarily among the ‘new money’ wealthy. It is much higher in rural and provincial areas than in the major cities. Two-thirds of the ‘ethnic’ population lives in and immediately around Sydney and Melbourne. While the term ‘ethnic’ is contested, and its use has been discouraged by the New South Wales government since the replacement of the Ethnic Affairs Commission by the Community Relations Commission in 2001, it is incorporated in the names of many ‘ethnic’ organisations. It is almost universally understood as referring to those not of British/Irish origin. It is thus not the same as ‘immigrant’ or ‘migrant’ though often used as such.

Figure 3: Comparative terminology for cultural diversity	
Australia	British/alien (discontinued); citizen/non citizen; migrant; mainstream/non-English speaking background (NESB I and II); Aboriginal (Indigenous); ethnic
New Zealand	Pakeha/Maori; Pacific Islanders; Asians
Canada	Anglophone/Francophone; nonofficial languages; visible minorities; Aboriginal (Dene, Inuit); First Nations; landed immigrant; Asian
United States	White/Afro-American; Hispanic; Native American; foreign-born
United Kingdom	White/ethnic groups; English/other British; New Commonwealth

Wide variation between countries in terminology



In practice immigrants are now normally divided for analytical purposes between those from non-English speaking background (NESB) and those from main English speaking countries (MESC). The term ‘culturally and linguistically diverse’ (CALD) was introduced by the Liberal/National Coalition in 1996 but does not seem to be widely used. No official figures categorise Australians as ‘Asians’ or ‘Europeans’ but much public discourse does. In terms of access to political influence, the language division is more meaningful than one based only on race or national origin. Those Asians, mainly from India, Sri Lanka and Singapore, who are well educated and fluent in English are better placed socially than those Europeans, mainly from Italy and Greece, whose English is not so good and whose education was more limited. This is obscured by many official figures which class them all as NESB. Because of their fragmentation, the various ethnic groups find it difficult to develop common aims or to form a coherent constituency. Even in areas where immigrants have concentrated, there is often a variety of groups, many with historic tensions (Greeks/Macedonians, Chinese/Vietnamese, Turks/Arabs).

How immigrants participate in politics

PAGE 6

The involvement of immigrants in politics is often hesitant except where there are party patronage systems as in some nineteenth-century American cities. It takes time to become familiar with local language, customs, attitudes and practices and to become established economically. As most immigrants until recently were recruited into industry from relatively poor origins they needed to accumulate basic wealth including housing. Public housing was not generally available to non-British aliens until the 1960s and many did not benefit from assisted passages. In recent years public housing has been widely used to settle refugees. Settlement patterns varied, with MESC migrants moving to the new outer suburbs along with the Dutch and Germans. Most had received assisted passages, a system which reached its peak in the 1960s and did not end until 1982. They did not, therefore, have the debt obligations which burdened many alien Europeans who did not get such passages. These tended to settle in inner suburbs in older housing, or in industrial suburbs near new factory developments on the outskirts. The great majority of NESB migrants until recently settled in areas which were politically controlled by the Australian Labor Party (ALP) (Birrell 2002). More recently, with the raising of qualifications, migrant settlement has spread into more affluent Liberal areas, most notably on the Sydney North Shore. British settlement, on the other hand, has been predominantly outer suburban and in Perth and Adelaide. This embraces some ALP areas, such as the federal electorates of Bonython (SA) and Brand (WA), but is more likely to be in suburbs controlled by the Liberals. There is little recent settlement in National Party areas.

Once immigrants have become settled, some will develop an interest in local politics (Jupp 1984; McAllister and Makkai 1989). Those of British origin will find much that is familiar. But they will need to work through political parties which are dominated by the Australian-born. One feature of State politicians is that very high proportions are born in the areas they represent, which naturally excludes immigrants. Such local birth is usually publicised and believed (perhaps wrongly) to add to the candidate's popularity. British immigrants have done reasonably well in Western Australia in securing nomination through the major parties. Even so, Mike Rann, in becoming South Australian premier in 2002, was the first British-born State premier anywhere for almost sixty years. For NESB immigrants the path into parliament is much more restricted. Many ethnic communities are loosely structured or factionalised. Many immigrants are no more interested in party politics than many Australians. Most influential, as in other situations, have been the Greeks, especially in Victoria and South Australia.

PAGE 7

Representative systems based on single-member electorates work against immigrant minorities. Yet, with at least three million NESB Australians, not to mention their local children many of whom are now adults, there is a constituency which cannot be overlooked altogether. Most politicians representing 'ethnic' areas experience considerable lobbying from their constituents (Zappala 1997). The major national issues concern immigration, and especially the admission of relatives, which has become increasingly difficult. Grants for ethnic organisations are also sought, although this is more relevant at the State and local levels. Especially contentious at the local level has been the building of mosques, which require planning permission. Local politicians are expected to attend social occasions, giving prestige to the organisers. A range of other issues include housing, employment, schools, religiously sanctioned food and dress, all with a particular slant which is not experienced in Anglo-Australian districts. Pressure may also be exerted on 'homeland' issues although this is less common than is often supposed. Tamils, Greeks, Jews, Arabs, Macedonians and Croatians have all been sufficiently engaged with such issues and sufficiently concentrated to be able to influence the opinion and political allegiance of some politicians. These rarely, if ever, come from the ethnic group concerned. The United States pattern of lobbying on international issues is inhibited by party discipline but also by the lower profile of international affairs in Australia and the predominantly 'Anglo'-Australian character of politicians.

Major
'ethnic'
issues

Apart from pressure on local representatives, the 'ethnic communities' have been incorporated into consultations on policy deemed relevant to them. These have centred around cultural and language maintenance, immigrant and elderly welfare, charges for services, English tuition, translating and interpreting, discrimination, and a variety of economic and social issues. Both the Commonwealth and the States institutionalised such consultations from the 1978 Galbally report on migrant services and they were widely used during the 1980s (Galbally 1978). Many enquiries included ethnic organisations among their respondents. Individuals were also encouraged to make submissions. This has tapered off in recent years although there are still annual rounds of consultation on the migration program. Carefully controlled approaches were developed for the highly contentious refugee issues of the late 1990s. They had little visible impact on policy.

The style of government has changed, with more reliance on focus groups, opinion polls or professional inputs under contract. There is probably more face-to-face consultation at the State level (and on Aboriginal issues) than nationally. One limitation on consultations has always been that, with rare exceptions, they are conducted in English. They may, therefore, miss those who have most need of attention.

Problems implementing anti-discrimination legislation

Racial vilification, incitement to violence and racial harassment are prohibited in Australia at Commonwealth and State levels, in conformity with the United Nations *Convention on the Elimination of All Forms of Racial Discrimination*. At the State level the first anti-discrimination legislation was in South Australia in 1966 and the Commonwealth *Racial Discrimination Act* was passed in 1975. All States and Territories now have anti-discrimination legislation which makes discrimination on the grounds of race unlawful. This is complaint-based legislation which proceeds in the first instance through attempted conciliation. Discrimination in employment and promotion is of concern but rarely pursued by unions, although individuals have taken their employers to court in some instances. At the national level the Human Rights and Equal Opportunity Commission has had a Race Discrimination Commissioner, but the future of specialist commissioners was in doubt at the time of writing. The major work of HREOC and its commissioners in this area has normally focussed on Aborigines, from whom the greatest number of complaints have come. The HREOC *National Inquiry into Racist Violence* of 1991 also found that Aborigines were the most likely group to suffer abuse.

Figure 5: Current race discrimination legislation in Australia

Jurisdiction	Title of Act	Year
Commonwealth	Racial Discrimination Act	1975
	Racial Hatred Act (amending the RDA)	1995
New South Wales	Anti-Discrimination Act	1977
	Anti-Discrimination (Racial Vilification) Amendment Act	1989
Victoria	Equal Opportunity Act	1995
	Racial and Religious Tolerance Act	2001
Queensland	Anti-Discrimination Act	1991
	Anti-Discrimination Amendment Act	2001
Western Australia	Equal Opportunity Act	1984
	Equal Opportunity Amendment Act	1992
	Criminal Code Amendment (Racist Harassment and Incitement to Racial Hatred) Act	1990
South Australia	Equal Opportunity Act	1984
	Racial Vilification Act	1996
Tasmania	Anti-Discrimination Act	1998
Australian Capital Territory	Discrimination Act	1991
Northern Territory	Anti-Discrimination Act	1992

The Commonwealth, States and Territories all have anti-discrimination legislation

Grounds covered
race (colour, descent or national or ethnic origin). Civil sanctions inciting racial hatred. Civil sanctions
race (colour, nationality, descent, ethnic, ethno-religious and national origin) racial vilification (public act that incites hatred, serious contempt or severe ridicule of a person or group because of their race). Serious forms a criminal offence
race (colour, nationality or national origin, descent, ancestry, ethnic origin or ethnicity, having relative or associate of a particular race) racial and religious vilification. Serious forms a criminal offence
race (colour, nationality or national origin, descent or ancestry, ethnic origin or ethnicity, having a relative or associate of particular race) racial vilification (public act that incites hatred, serious contempt or severe ridicule of a person or group because of their race). Civil sanctions
race (colour, descent, ethnic or national origin or nationality) racial harassment (threats, abuse, insults or taunts on ground of race and real or perceived detriment if objection registered). Civil sanctions racial harassment and incitement to racial hatred a criminal offence (including publication or display of material to incite hatred or harass a racial group)
race (nationality, country of origin, colour or ancestry of person or of person with whom he or she resides or associates) racial vilification (public act that incites hatred, serious contempt or severe ridicule of person or group, because of their race, colour, nationality or ethnic origin). Criminal offence where it includes a threat to a person or property
race (colour, nationality, descent, ethnic ethno-religious or national origin, status of being or having been an immigrant) incitement of hatred on grounds including race, religious belief or affiliation or religious activity
race (colour, descent, ethnic and national origin and nationality, being of two or more races) racial vilification (public act that incites hatred, contempt or severe ridicule on the ground of race). Serious forms a criminal offence
race (colour, nationality, ethnic or national origin, descent or ancestry, that a person is or has been an immigrant, being of one or more races) racial harassment

Assessing levels of racism

There are several problems in assessing the degree and intensity of Australian racism other than against Aborigines. Police administrations vary from State to State in the extent to which they record the ethnic background of offenders and victims. As elsewhere there is a tendency to discount 'racism' as a factor in violence unless it is transparently obvious and involves specifically racist organisations, of which there are very few. While leaders of the National Front, National Action and the Australian Nationalist Movement have all been imprisoned, this has been for violent offences covered by the general law rather than for racism. Racial vilification presented particular problems. National legislation was delayed for some years despite such activity being unlawful in New South Wales, Western Australia, Queensland and the Australian Capital Territory. In signing the first optional protocol to the *International Covenant on Civil and Political Rights* in 1991, Australia reserved its right not to pass further legislation prohibiting 'any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence', arguing that existing public order legislation already covered this. Strongly urged by the Jewish community, relevant amendments to the *Racial Discrimination Act* were introduced into parliament in 1993 but did not emerge finally until two years later after delay in the Senate. The conservative Opposition objected to criminal sanctions and these were ultimately withdrawn. Apart from free speech advocates, the strongest opposition came from sections of the media. The problem of talkback radio speakers using openly racist remarks and arguments remained. This periodically becomes acute, as with recent responses to Islamic terrorism (Anti-Discrimination Board of New South Wales 2003). In this latter case, religious groups are excluded from the category 'race', although Jews and Sikhs have been judged to be 'ethnic' groups and thus covered.

Attacks on mosques and synagogues

Legislation is, then, in place in Australia which responds to UN conventions that Australia has ratified and with practice elsewhere, especially in the United Kingdom rather than the United States. However problems remain in implementation and in the resistance of some conservatives to the use or extension of such legislation. In the 1990s both One Nation and some Liberals urged the abolition of HREOC but this was not implemented by the Coalition government elected in 1996. There has been little overt organised violence by racist organisations but there are regular reports of daubing or bombing of mosques and synagogues and individual attacks and threats on those who are visibly Jewish or Muslim. These have led to a degree of cooperation between Jewish and Islamic organisations, especially in Sydney where the problem is most acute. The perpetrators have usually not been caught.

Public agencies play only a minor role in monitoring this activity, being limited to intervention only when approached with a complaint. Police training usually includes some reference to the need to prevent racially motivated attacks. Most forces have liaison arrangements with ethnic communities. Consistent work has been done to develop this by the private Australian Multicultural Foundation. But in many police stations in immigrant concentrations there are almost no officers with relevant backgrounds and language skills, despite periodic attempts to broaden the ethnic background of recruits. Tension between police and ethnic communities, while it exists, does not seem to be as acute as in some other democracies nor as in relations with Aborigines. This may be because police forces are statewide rather than localised and are thus subject to more effective monitoring by State governments.

The existence of regulatory legislation is usually defended on the grounds that it inhibits rather than totally prevents discriminatory behaviour. This may well be true in Australia where violence involving immigrant communities has more frequently been from within those communities than between them and the majority population or openly racist organisations. The rise of One Nation between 1997 and 2001 seemed to confirm previous findings that a significant residue of racism existed in the majority population (Vasta and Castles 1996). One Nation regularly attacked racial discrimination laws and institutions on the grounds that they imposed 'political correctness' on what should be an open debate. But despite the adherence of small extremist groups to One Nation it did not develop as a violently racist party and most violence surrounding its activities was from its opponents. No effective charges or complaints were made against One Nation spokespersons. Some effects may have been a hardening of attitudes towards asylum seekers, budget cuts for human rights and Aboriginal organisations, and the abolition of multicultural institutions at the national level. But most of this was consistent with public statements by Liberal Party leaders prior to the rise of One Nation. Such leaders, in common with other public figures, regularly denounce racism, which is not acceptable in public discourse if common at the private level. Essentially the existing laws and institutions serve as a limiting mechanism rather than as a proactive initiator of attempts to change public opinion. Since 1996 the status quo has been preserved, but there has been little advance comparable with that in the preceding ten years. Most publicly funded attempts to reduce racist sentiments come through the education systems, but how effective this is has not been definitively measured.

Racial discrimination laws believed to impose political correctness

Accessing
civic rights

All states, whether democratic or not, distinguish between the rights and duties of their citizens and those of aliens or non-citizens. They define citizenship in a variety of ways. Birth within the territory is often the basis, as it is in Australia. Currently the only limitation on citizenship by birth is that the parents must be legal permanent residents—a restriction copied from the United Kingdom and designed to avoid the common United States experience where the children of illegal immigrants automatically become US citizens which usually entitles their parents to remain. Citizenship by birth (the *jus solis*) is common to English-speaking states (Davis 1996; Rubenstein 2000). This was always the case in Australia and applied to Aborigines, who were otherwise deprived of many rights including the franchise. Until 1949 the locally-born were British subjects as were those immigrants from the British empire who were not excluded on grounds of race. British immigrants thus enjoyed all the rights of citizenship and the franchise and some relics of this remain.

Figure 6: Timeline—Preference for British Subjects

1770	Eastern Australia claimed for the United Kingdom by Captain Cook
1788	Eastern Australia (NSW) settled by the United Kingdom. Residents, including Aborigines and convicts, become British subjects unless they are subjects of another state
1826	British dominion claimed over the whole continent
1831	Assisted passages for UK immigrants begun
1901	Australia becomes a self-governing dominion within the British Empire
1903	<i>Naturalization Act</i> denies citizenship to 'aboriginal natives of Asia, Africa, or the islands of the Pacific excepting New Zealand', even if they are British subjects born outside Australia
1922	<i>Empire Settlement Act</i> (UK) for assisted passages
1946	Assisted passage agreement signed with the UK government
1949	<i>Commonwealth Nationality and Citizenship Act</i> becomes effective creating Australian citizenship but retaining British subject status as well
1958	<i>Migration Act</i> restricts entry for UK citizens but retains it for New Zealanders
1972	Whitlam government declares the end of any discrimination in immigration policy based on race
1973	Waiting period for naturalisation reduced to three years and distinction between British and non-British ended for naturalisation purposes
1973	Queen Elizabeth proclaimed as Queen of Australia
1982	Assisted passages end for all except refugees
1983	Amendments to the <i>Migration Act</i> replaced 'alien' with 'non-citizen'
1984	Waiting period for naturalisation reduced to two years
1984	British subjects who are non-citizens but enrolled voters retain the right to vote
1999	High Court rules that the UK is a 'foreign power'
1999	Referendum for a republic is defeated
2002	Dual Citizenship allowed for the Australian-born

Benefits of British citizenship have largely disappeared

British subjects who were enrolled before 1984 still retain the vote even if they have not taken out Australian citizenship, as many have not. This is a significant number of voters, especially in South and Western Australia. New Zealanders have enjoyed more advantages, such as visa-free access. Even today New Zealand citizens can normally enter Australia without serious restriction. They are no longer eligible for welfare services for the first two years, which is also true for other non-refugee immigrants. Nor are they any longer automatically eligible for permanent residence. However, New Zealand students escape overseas-student fees and are eligible for some educational scholarships otherwise not available to foreigners.

Otherwise the benefits of British citizenship have largely disappeared since the 1973 *Citizenship Act* and the High Court judgement in 1999 that the United Kingdom was a 'foreign power'. This decision was applied to section 44(i) of the Constitution which prohibits anyone owing such an allegiance from sitting in the Commonwealth parliament (Australia 1996; Jupp 1999). Two Senators-elect, Robert Wood and Heather Hill, both British, have been disqualified under this provision. An acceptable formula for renouncing dual citizenship has been devised but is not applicable for states which do not accept renunciation. While the section only directly affects a small number of candidates, in effect it bars several million Australians with dual nationality from standing for election without

going through the renunciation procedure. Successive enquiries have recommended amendment of this section but no government has been prepared to put this to referendum.

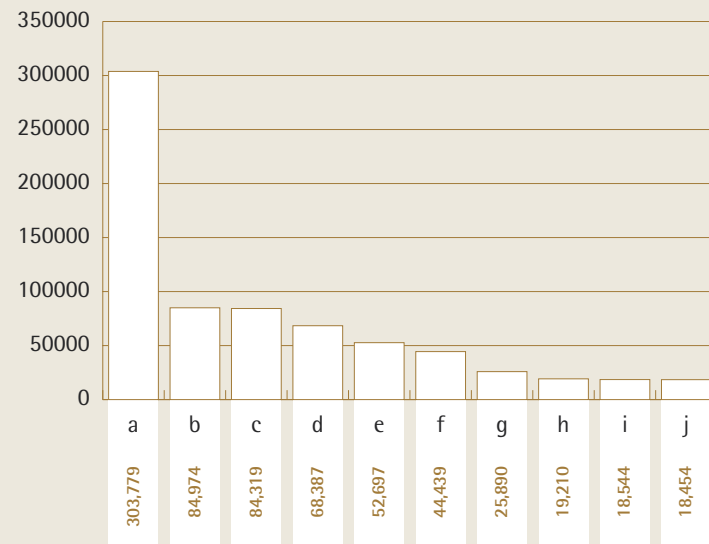
Citizenship by naturalisation is not automatic. Under the first Commonwealth *Naturalization Act 1903* it was denied to 'aboriginal natives of Asia, Africa, or the islands of the Pacific, excepting New Zealand'. As part of the dismantling of the White Australia policy this restriction was abolished by the *Australian Citizenship Act 1973*. Since then the special privileges of British subjects have been virtually abolished and the only legal distinction now made is between citizens and non-citizens. The latter, if permanent residents, can become citizens after two years residence, or even less if they have an Australian spouse. This is one of the shortest waiting periods in the world. It is subject, as elsewhere, to criminal and security clearances but these have rarely been an obstacle in recent years. A knowledge of English is also required but this is waived for applicants over fifty-five and is not very rigorous. Despite suggestions from some conservatives and One Nation, there is no test

of knowledge of Australian history, culture and institutions, in contrast to recent changes in Europe and suggested changes in the United Kingdom. Applicants may be asked questions covering a general knowledge of Australia and as a way of testing English comprehension. A further limitation was recently introduced which prevents many undocumented asylum seekers on temporary protection visas from converting these to permanent residence and thus qualifying for citizenship in due course.

Citizenship, however acquired, bestows certain benefits. These are the right to re-enter Australia without a visa and not to be deported except under extradition treaties applicable to all others; protection overseas by Australian embassies (limited by the local situation); permanent employment in the public service and armed forces; the right and obligation to vote in national and State elections; the right to election to public office in the States and municipalities; and the right (subject to section 44(i) of the Constitution) to be elected to the national parliament. Until 2002 the Australian-born could not take out dual citizenship with another state without losing their Australian citizenship. Conversely naturalised citizens could have dual citizenship if that were allowed by their homeland. This was particularly beneficial for European Union citizens, including the British. It is, therefore, hard to understand why so many UK citizens have consistently refused to become Australians when it would not have affected their dual citizenship at all. The naturalisation level for British immigrants in Australia is lower than in Canada.

Majorities of immigrants from most ethnic backgrounds take out Australian citizenship. This is particularly so for predominantly refugee groups such as east Europeans or Indochinese. Of the one million permanent residents still eligible for citizenship, the largest number are British and New Zealanders. However, as noted, those electorally enrolled before 1984 still retain the vote. Other non-citizens cannot vote, except in local government elections in Victoria, Tasmania and South Australia. Suggestions that they should vote in State elections have been canvassed, mainly in Victoria and South Australia, but nobody has suggested extending the franchise to the national level. Western Australia recently removed this right for local elections.

Figure 7: Naturalisations 1990–2000 by former citizenship



*includes Hong Kong until 1998
Source: Department of Immigration Annual Reports

The majority of immigrants from most ethnic backgrounds become citizens

Accessing public services

The provision of public services and public employment in the past was often confined to citizens or British subjects and was frequently unavailable for Aborigines or Asians. With the arrival of large numbers of aliens in the 1950s, many of them unable to speak English, it became necessary to open up eligibility and to modify practices. The Department of Immigration lobbied State governments and Commonwealth Departments to amend limitations based on citizenship or ethnicity. This was largely successful for immigrants by the mid-1970s (Jordens 1997). However the 1978 Galbally report *Migrant Services and Programs* directed attention to the probability that many services were in practice not accessible to non-English speaking migrants or might be better delivered by ethnic welfare organisations rather than by an unsympathetic or uncomprehending 'mainstream' (Galbally 1978). This was a founding document of multiculturalism and of what later became known as 'access and equity'. The basic principle, which was reasserted by the Fraser Liberal and Hawke Labor governments over the next decade, was that equity and equality did not necessarily mean uniformity. A diverse clientele required diverse approaches and specific services.

From this approach came a range of modestly funded 'ethnic specific' services, often delivered by ethnic organisations which received public support to do so. Translating and interpreting expanded to cope with the large numbers who were not proficient in English. Migrant resource centres were set up in relevant suburbs to coordinate services. Hospitals and nursing homes were advised on how best to deal with their ethnic patients, and schools with the parents of their pupils. By 1985 it was recognised that many services were still provided by 'mainstream'

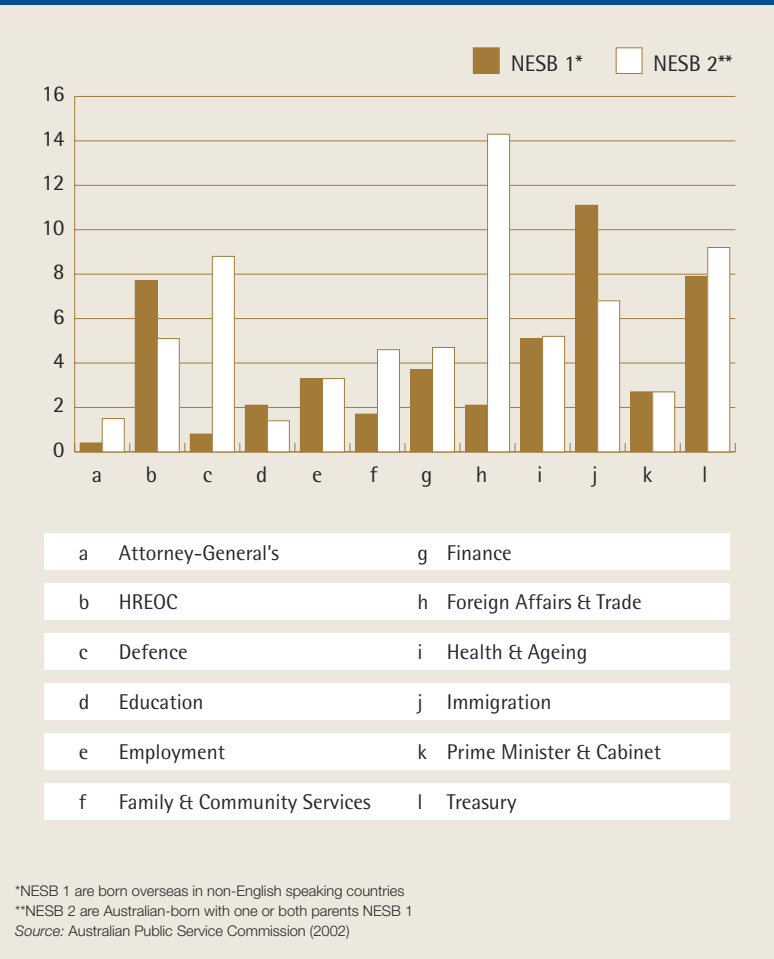
Equality does
not mean
uniformity

rather than 'ethnic specific' agencies and that these also needed to conform to best practice. By the late 1980s the Commonwealth and most States subscribed to variants of 'access and equity'—the modification of general services to reach and benefit cultural minorities. This was coordinated at the Commonwealth level by the Office of Multicultural Affairs within the Department of Prime Minister and Cabinet. The Office required all Commonwealth agencies to report annually to it on measures taken to service an ethnically diverse clientele. Despite some resentment by other departments, this worked reasonably well until the Office was abolished in 1996 and its functions transferred to the Department of Immigration.

Access and equity was an innovative attempt to create diverse public services for a diverse population but fell victim to ill-informed attacks on 'special favours'. Nevertheless, this approach has been internalised by some Commonwealth and State agencies though without much centralised monitoring. Commonwealth Departments are expected to adhere to the *Charter of Public Service in a Culturally Diverse Society*, issued by the Immigration Department in 1998. The shift of monitoring responsibility from Prime Minister and Cabinet to Immigration in 1996 probably reduced the effectiveness of monitoring.

An extension of the principles of access and equity required Commonwealth departments to monitor the proportions of their staff who were NESB, Indigenous, women or disabled. This was emphasised particularly in the 1995 reassessment of the multicultural agenda of 1989. Normally the Department of Immigration has the highest proportions of NESB 1, that is, staff born overseas in non-English speaking countries. But this is strongest at the lower levels of the department where many are employed in dealing with a non-English speaking clientele at the regional level. Reporting is the responsibility of the Public Service Commissioner directly to the Prime Minister for laying before each house of parliament (APSC 2002). The argument for such monitoring is that it measures progress in broadening the composition of the public service as a means of securing equity in recruitment and the involvement in service delivery of those likely to understand a diverse clientele. Quotas are not applied.

Figure 8: Percentage of NESB 1 and NESB 2 staff in selected Australian Public Service employment 2002



Immigration has the highest % of staff born overseas in non-English speaking countries

Achieving political representation

PAGE 22

Many political systems are based on multicultural societies and make various arrangements to ensure that ethnic and cultural minorities are not excluded from political representation. There are a number of arguments that can be made regarding why minorities should be present in parliament. These range from relatively straightforward justice arguments to more complex positions concerning the value of diversity to the deliberative process, or the significance of inclusion to the status of the group and the legitimacy of the institution (Sawer & Zappalà 2001).

Presence is most easily achieved where minorities are geographically concentrated and can be represented on a constituency basis. This is only possible in Australia for seven (out of the twenty-five) electorates in the Northern Territory with Aboriginal absolute majorities. These often, but not invariably, return Aboriginal representatives to the Territory Assembly. Elsewhere the Anglo-Australian population is normally in a majority in all Commonwealth and State/Territory electorates and almost invariably so at the local government level outside the major cities. One continuing consequence of this has been the consistent 'under representation' of the quarter of the population which is not derived from the British Isles, and particularly of the 15 per cent who were born overseas in non-English speaking countries (NESB 1 in official usage).

Few parliaments 'mirror' the social characteristics of their electorates (Griffith 1995). Women are normally under represented, although that is becoming less true in Australasia and in Scandinavia. The manual working class has normally only entered parliaments through a labour or socialist party usually associated

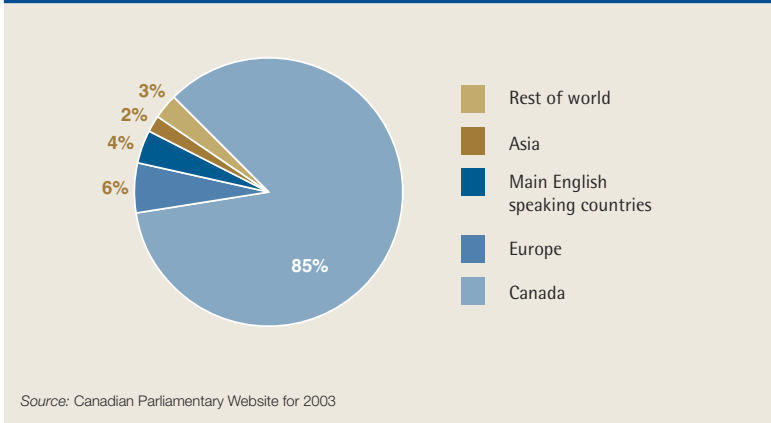
with the trade unions. This was certainly important in Australia until the 1960s. But in recent years, as elsewhere, the tertiary-educated and middle-class character of the ALP has approximated that of the other parties. The same processes have changed the nature of National Party representation away from farmers and pastoralists. Parliaments in most Western democracies are dominated by the professional classes, with lawyers well to the fore, and this is now equally true for Australia.

Ethnic 'mirrors' are also affected by these trends and by a preference for majority ethnicity among majority voters and party activists. Minorities which are poor and marginalised will have weak representation or none at all. Among these are immigrants. The United States Congress is more varied ethnically than any Australian parliament. But it contains proportionately far fewer immigrants than the parliaments of Australia, Canada or New Zealand. In the 105th Congress in 1997 there were only eight members (1.5 per cent) born outside the USA and its territories, and a further six born within US territories outside the fifty states, of whom three had limited powers. The Canadian House of Commons is even more ethnically varied than the US Congress because of the large French Canadian contingent and the specifically French Canadian Bloc Québécois. In 2002, 39 per cent of the House of Commons were not of Anglo-Canadian or British origin. But the immigrant proportion, while more ethnically varied than that in the Australian parliament, was very similar in terms of proportion at 14.6 per cent. In North America, then, 'migrancy' may be more of a barrier to election than 'ethnicity'. This also appears to be the case in Australia and New Zealand.

Parliaments
as ethnic
'mirrors'

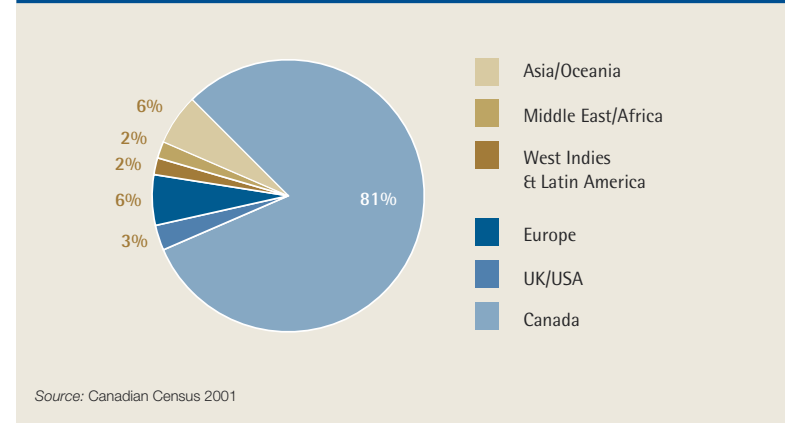
PAGE 23

Figure 9: Birthplaces of Canadian MPs



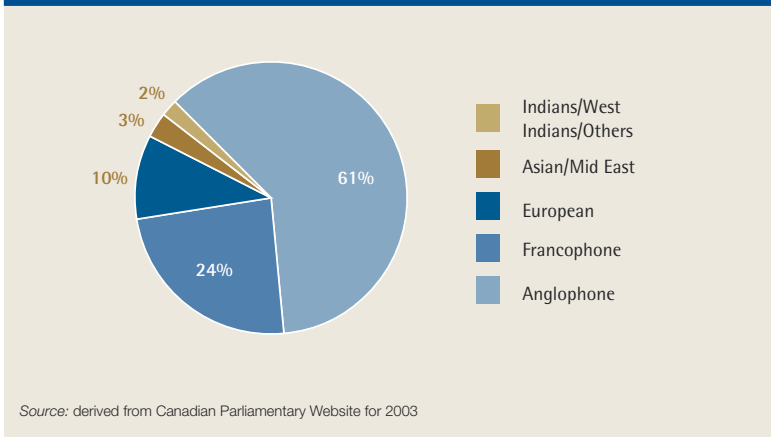
Similar % of immigrants in the Canadian House of Commons and the Australian parliament

Figure 11: Canadian birthplaces 2001



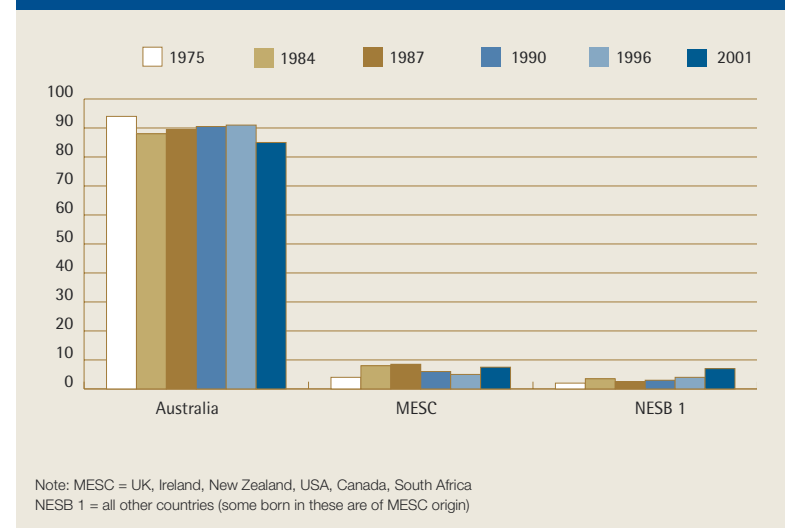
The % of overseas-born Canadians is only slightly lower than Australian overseas-born

Figure 10: Estimated ethnicity of Canadian MPs



More variety in the ethnicity of Canadian than Australian MPs

Figure 12: Birthplaces of Australian MPs and Senators for selected general elections (percentage)

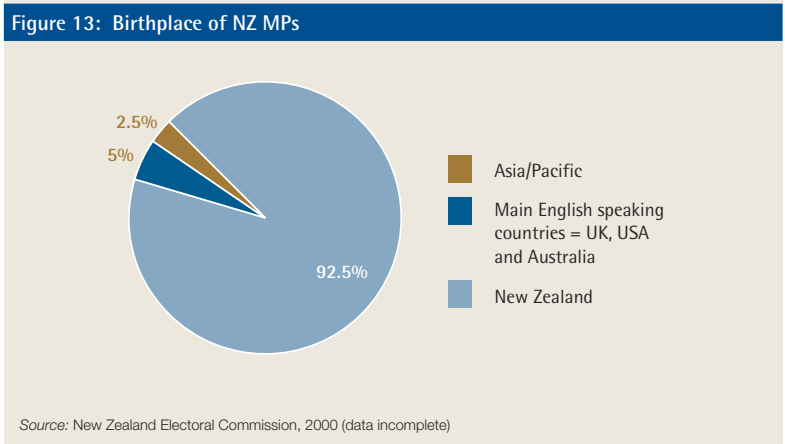


Non-British immigrants are under represented in the Australian parliament

**Non-British immigrants
have been consistently
under represented
throughout the post-
World War II period**

In Australia the first Chinese-born person was not elected to the House of Representatives until 2001, while Aborigines have only been elected to the Senate and to the Western Australian, Queensland, Northern Territory, Tasmanian and New South Wales parliaments. British immigrants have fared much better, making up almost half the first Australian parliament in 1901. The largely British MESC category still made up between 5 and 8 per cent of the national parliament over the past twenty years. But non-British immigrants have been consistently under represented since the Second World War (Jupp, York and McRobbie 1989). This differs from the Canadian pattern, where the British or United States-born make up only 3.7 per cent of the total. In New Zealand Maori parliamentary membership was 13 per cent, Pacific Islander membership 3 per cent, and Asian membership only 1 per cent in 1999. This was reasonably close to the national population which had 23 per cent drawn from these backgrounds. However, the overseas-born (mainly British) component was only 7.5 per cent, whereas over 19 per cent of the population were immigrants.

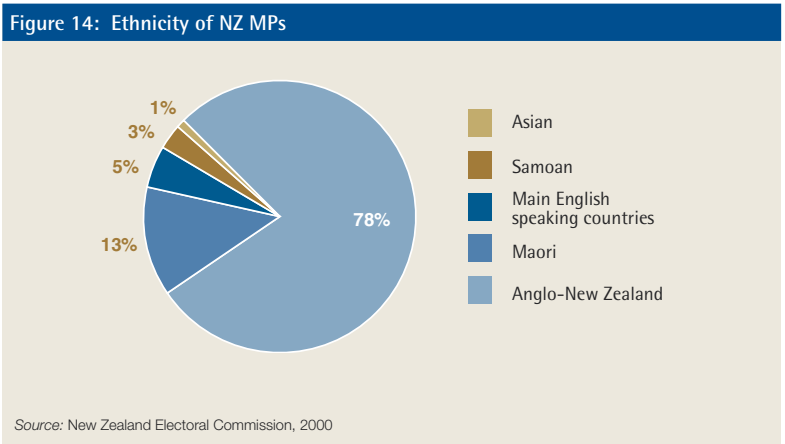
Methods used to ensure minority representation vary considerably depending on the geographical distribution of such minorities and on the extent to which they have agitated successfully for such representation. The most elaborate provision



% of immigrants in the New Zealand parliament is significantly lower than in the general population

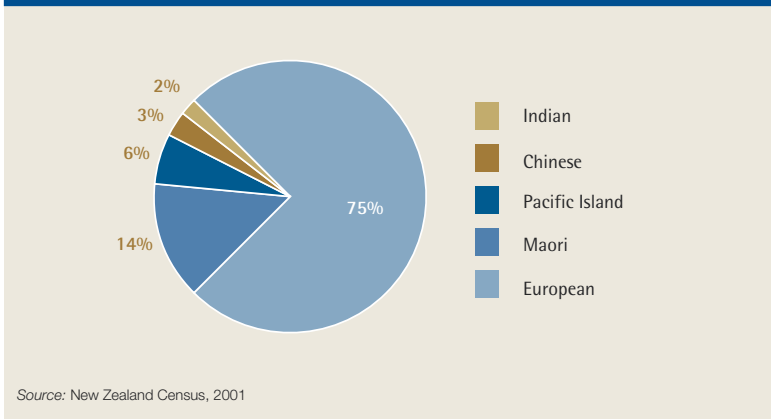
was under the ‘Stalinist nationalities principle’ used in the former Soviet Union and other Communist states, including former Yugoslavia and China. As these had one-party ‘elections’ it was easy to select representatives and to create political units, based on ethnic minorities which were usually defined by their language. Some aspects of this system remain but it has tended to decay with the collapse of most of the Communist systems. Another approach, most widely used in India, has been to reserve seats for ethnic (and caste) minorities, which, again, have often been defined on a linguistic basis. A local variant of this has been the reservation since 1867 of a number of Maori seats in the New Zealand parliament. No Australian example exists, although there has been discussion of reserving seats for Indigenous Australians. There was an official enquiry into this by the New South Wales Legislative Council in 1998, which produced no result (New South Wales 1998).

Ethnic groups, including Aborigines, are thinly spread across Australia but with local concentrations. Moreover, in contrast to such democratic systems as India, Sri Lanka, Spain, Canada and the United Kingdom, political representation in Australia is largely controlled by parties based on the majority population. There are very few examples of minority parties based on ethnicity or religion. None have achieved national level election with the questionable exception of the Democratic Labor Party between 1956 and 1975, which was predominantly an



But ethnicity of New Zealand MPs closely matches that of the general population

Figure 15: New Zealand ethnicity 1996



organisation of Catholics. Indeed, the prevailing political culture is opposed to such organisation, believing it to be 'divisive'. In comparable situations elsewhere various devices have been used to secure minority representation even in the absence of geographical concentrations or minority parties. In the United States the courts have actively engaged in 'redistricting' which takes account of minority locations, with special reference to Afro and Hispanic Americans. This is designed to protect against the opposite practice of 'gerrymandering' which goes back to the 1830s and involved drawing boundaries to benefit one party over the other. In California the courts have also ruled that the language of minorities, including Chinese as well as Spanish, must be used on electoral material where there is a concentration of that language group. None of these approaches has been adopted or even advocated in Australia. Court intervention in electoral matters is minimal and designed to ensure adherence to the law as it stands.

This leaves Australia, like the United Kingdom, with a primarily geographical basis to its electoral system which does not take ethnicity into account. In the United Kingdom, where ancient county boundaries inhibited change until recently, a few areas of concentration, such as North Wales and the Hebrides, allow for speakers of a language other than English (Welsh and Gaelic) to dominate over a handful of constituencies. But that is not a stated object of electoral distribution except implicitly in the phrase 'community of interests'. In Northern Ireland the practice of 'gerrymandering' was widespread and the single-member system

has been replaced, as in the Irish Republic, by a proportional system for the local assembly (though not for the UK parliament). Under agreements designed to restore community peace, both the 'Unionist' (Protestant) and 'Republican' (Catholic) parties sit together in the Ulster cabinet, though not without regular tensions. Otherwise, the guarantee of a set minimum of Westminster seats for Scotland and Wales allows these two nations a rather better representation in London than they might otherwise be entitled to, as well as now having their own assemblies. However, 'ethnic groups' in the British sense are poorly represented, with only twelve (1.8 per cent) elected to the House of Commons in 2001 for a population of 6 per cent.

In Australia the guarantee of five Representatives (and twelve Senators) to Tasmania and the existence of six States and two Territory governments does not have a comparable 'ethnic' basis. The most dramatic recent change in the ethnic composition of a comparable parliament has been in New Zealand. The 1996 mixed member proportional system was partly designed to increase Maori representation but was not solely aimed at 'mirror representation' by ethnicity. It did, in fact, largely achieve this for that quarter of the population who are not of British Isles origin.

The outcome of Australian resistance to special provision for ethnic minorities is that its parliaments have been less 'ethnically representative' than some comparable others. In large part this represents the popular view that as most ethnic groups are based on recent immigrants these should expect to be assimilated and do not have the same distinct claims as regional or Indigenous minorities. This view has been accepted by many ethnic organisations whose leaders have not, in fact, expected distinct representation or asked for it. Moreover, in contrast to societies like the United States, Canada, or even the United Kingdom, ethnic minorities are small and scattered and have not united as 'ethnics' for political purposes. Thus the two main avenues for representation are from electorates with concentrated minorities (which are fairly rare) or through Statewide proportional representation for Legislative Councils. Both avenues are overwhelmingly under the control of the majority parties and especially the Australian Labor Party.

Federal electorates with high NESB populations are concentrated in Sydney and Melbourne. Of thirty-two electorates (one-fifth of the total) with more than 20 per cent born in non-English speaking countries (NESB I), sixteen are in Sydney, fourteen in Melbourne and two in Perth. In 2001, 28 of these were held

Figure 16: Characteristics of ethnic electorates

Electorate	% NESB 1	% LOTE*	State	Party	2PP 1998	2PP 2001
Fowler	49.6	64.8	NSW	ALP	76.33	71.49
Watson	43.5	60.2	NSW	ALP	67.47	67.31
Reid	40.8	56.6	NSW	ALP	71.64	66.87
Blaxland	38.8	57.8	NSW	ALP	72.06	65.21
Maribyrnong	36.9	48.8	Vic	ALP	72.06	67.38
Prospect	36.5	47.3	NSW	ALP	69.71	62.81
Holt	36.3	40	Vic	ALP	65.11	63.32
Bruce	35	39.5	Vic	ALP	56.72	55.55
Lowe	33.2	40.9	NSW	ALP	54.63	53.81
Barton	32.3	43.9	NSW	ALP	59.76	56.02
Gellibrand	31.8	40.8	Vic	ALP	75.91	71.78
Hotham	31.5	37.7	Vic	ALP	63.59	61.02
Parramatta	30.2	34.6	NSW	Lib	51.07	51.15
Calwell	30.1	43.3	Vic	ALP	68.98	67.73
Kingsford Smith	29.7	33.6	NSW	ALP	63.4	58.9
Grayndler	29.6	35.9	NSW	ALP	72.32	71.29
Batman	28.8	40.8	Vic	ALP	76.43	75.08
Scullin	28.8	42.5	Vic	ALP	71.84	69.19
Bennelong	28.6	32	NSW	Lib	56.03	57.71
Werriwa	27.9	30.8	NSW	ALP	62.67	58.49
Wills	27.4	39.2	Vic	ALP	70.96	69.42
Menzies	27.2	33.7	Vic	Lib	55.4	58.94
Chifley	25.9	29.5	NSW	ALP	70.89	65.29
Melbourne	24.6	28	Vic	ALP	71.8	70.09
Greenway	22.7	26.5	NSW	ALP	59.94	53.11
Banks	22.3	29.7	NSW	ALP	57.11	52.89
Wentworth	21.3	16.6	NSW	Lib	56.32	57.86
Melbourne Ports	21	20.5	Vic	ALP	55.83	55.69
Chisholm	20.8	29.2	Vic	ALP	52.07	52.77
Stirling	20.7	21.3	WA	ALP	51.04	51.58
Perth	20.4	19.1	WA	ALP	63.28	61.21
Lalor	20.3	25.1	Vic	ALP	69.83	65.63

*2001 ABS census figures: approx.7% in each electorate birthplace not stated in census
 2PP = two-party preferred; refers to final vote of winning party (after distribution of preferences)
 LOTE = speaking a language other than English at home
 NESB 1 = Born in non-English speaking country

by the ALP and only four by the Liberals (including the Prime Minister's seat of Bennelong). This political domination has lasted for many years and embraces some of the ALP's safest electorates, including those of five of the party's seven leaders over the past forty years. This has been an important factor in influencing the attitudes of ALP politicians, though only two or three of these electorates are normally held by politicians of 'ethnic' background. None have an absolute majority of NESB I and only four have an absolute majority using a language other than English (LOTE) at home. In all of them there is a mixture of origins.

At the State level most first and second generation 'ethnic' politicians are from the ALP, but this is not true for the Commonwealth or for the ACT.

At the local government level there has been more scope for election. Many rural shire elections are not contested and it is sometimes difficult to get anyone to serve. But most of these have few if any immigrant citizens. They may have

Figure 17: Birthplaces of members of the Victorian Parliament 2003

Legislative Assembly (88 MLAs)

Australia 78 United Kingdom 3 Germany 2 Cambodia 1
 Croatia 1 Greece 1 Sri Lanka 1 Uruguay 1
 Ten O/S born MLAs = 11.4% (ALP = 8; Liberal = 1; National = 1)

Legislative Council (44 MLCs)

Australia 34 United Kingdom 3 Turkey 2 Cyprus 1
 Indonesia 1 Italy 1 Netherlands 1 Vietnam 1
 Ten O/S born MLCs = 22.7% (ALP = 9; Liberal = 1)

Both Houses

Main English Speaking Countries = 6 = 4.5%
 Non-English Speaking Countries = 14 = 10.6%
 (ALP = 17; Liberal = 2; National = 1)

Source: Victorian Parliamentary Website: <http://www.parliament.vic.gov.au>

15% of Victorian parliamentarians are overseas-born

many who are descended from pre-World War II European migrants who tended to settle in some rural areas. In the major cities there are a few local government authorities (LGAs) with very large 'ethnic' populations. These are, however, often varied in origins and there is no obvious incentive for them to vote for other immigrants of a different ethnicity. Metropolitan LGAs are more likely to be contested by the major political parties than those in the provinces, but the effect of this varies from place to place. The strongest 'ethnic' representation is in LGAs in western Sydney, northern and western Melbourne, central areas of Adelaide, and more widely in Perth. There are few municipalities with an 'ethnic' majority on their council, but some, like Fairfield, Canterbury and Moreland, have active multicultural and access and equity programs. The only significant political party with an overtly multicultural character is Unity, which has elected mainly Asian members to seven Sydney local councils. The modest success of Unity is the only example of a specifically multicultural party electing municipal councillors (Healy 1999). Elsewhere most metropolitan councillors of 'ethnic' background are associated with the ALP, though not necessarily elected under its auspices. The Liberal and National parties rarely endorse local government councillors.



Influencing political parties

The failure of Australian legislatures to 'mirror' the ethnicity of the population is not due to overt discrimination but to the practices of the political parties. These vary from State to State and party to party (Jupp 1996), with the ALP only moving towards national uniformity in some respects in 2002. The outcome, however, is usually the same. Safe seats go to the Australian-born. In the absence of the American system of primary elections, candidate selection rests in the hands of small numbers of local party members or State-level executives dominated by the party machines and factions. Even in systems where local party members have the predominant say in choosing candidates, as in the New South Wales ALP, they may not represent a cross-section of the local electorate in ethnic terms. Party membership in Australia is very low and rarely exceeds a few hundred in most metropolitan electoral divisions. One solution to breaking down these barriers has been the unfortunate practice of 'ethnic branch stacking'. This is easiest where State parties have defective or unduly liberal rules about party membership. Enrolling large numbers of new members to influence a preselection is certainly not new, or confined to the ethnic population, or, indeed, confined to Australia. It is an obvious way of shifting the balance of power towards new elements previously excluded from influence.

'Ethnic branch stacking'

'Ethnic branch stacking' became controversial during the 1990s, though branch stacking itself seems to have originated in the 1920s or even before. It was most noticeable in the ALP which controlled most of the 'ethnic' areas. As power in all the parties normally rests with the Australian-born, stacking threatened to disturb long-term patterns of loyalty and patronage. Methods such as bringing along busloads of compatriots or paying their subscriptions en masse were arguably undemocratic or, at least, not compatible with the principle that party members had rights and duties beyond the selection of candidates. Most State parties have now changed their rules to require active membership over a period of time. Anomalies remained such as the possibility in the Queensland Liberal Party of signing up members who did not live in the electorate, or even in Australia, but the party changed its rules in 2002. Unfortunately the new rules have sometimes included the provision that only those on the electoral roll (namely citizens) are eligible to vote in preselections. This reverses a longstanding provision, especially in the Victorian ALP, that any permanent resident is entitled to all the rights of a party member.

Apart from rallying large numbers of compatriots to take over local branches, which is a short-term strategy now largely frustrated, there are more acceptable methods for increasing ethnic and immigrant influence within the parties. Ancillary committees were formed within the Liberal Party of New South Wales and the Victorian ALP in the mid-1950s to organise and appeal to newly enfranchised European immigrants. This was recommended throughout the ALP by its

Other methods for increasing influence

committee of enquiry of 1978 but was not generally adopted (ALP 1978). It was never attempted at the national level as the committee had recommended. Nor did most States follow the Victorian ALP in the creation of ethnic-specific branches, pioneered by Greeks in the Northcote area from 1975. There is a scattering of such branches elsewhere which have the advantage of operating in a language other than English, which helps recruitment of recent arrivals. One consequence has been the election of several Greek Australians in Victoria for the ALP and a degree of influence within the party which is probably greater than elsewhere. However, Greeks have done well politically elsewhere and particularly in the Liberal Party, which can be explained in terms of the political culture they brought with them as much as by the structure of particular parties.

The political parties are certainly not unaware of the ethnic composition of their electorate. They use material in languages other than English during election campaigns and advertise extensively in the ethnic media. Politicians attend a wide range of ethnic cultural functions and deal with many immigration-related problems in their electorates. But in many cases where an 'ethnic' candidate seems likely to secure preselection for a winnable seat there has been friction and dispute. It is also noticeable that an exceptional numbers of ethnic politicians have had disputes with their parties, in several cases leading to resignation. What is gradually happening is the selection of second generation and assimilated candidates. Some, like Steve Bracks of Lebanese descent or Nick Greiner of Hungarian descent, have done very well. But there is still a discrepancy between the ethnic character of the electorate and of the parliaments they vote for. The local government level is much less discriminatory and there are several councils on which 'ethnic' and immigrant councillors form a majority and provide mayors. It should be noted that most local government contests are not organised by political parties and most of the major parties have withdrawn from endorsing candidates.

Figure 19: Local government authorities with more than four 'ethnic' members

('Ethnic' is defined by name and known origins but excludes those of third or earlier generations. Numbers in brackets indicate the number of 'ethnic' councillors. Note that most LGAs have nine or twelve members.)

NEW SOUTH WALES			
Auburn (6)	Ashfield (5)	Burwood (4)	Canada Bay (5)
Canterbury (5)	Fairfield (9)	Griffith (4)*	Hurstville (5)
Kogarah (5)	Liverpool (6)	Parramatta (5)	Queanbeyan (5)*
Randwick (5)	Rockdale (4)	Ryde (4)	Strathfield (5)
Wollondilly (6)	Woollahra (4)		
VICTORIA			
Brimbank (4)	Dandenong (4)	Darebin (5)	Moreland (6)
Yarra (4)			
SOUTH AUSTRALIA			
Campbelltown (6)	Charles Sturt (7)	Coober Pedy (4)*	Norwood (8)
Port Adelaide (4)	Renmark (5)*	Salisbury (5)	TeaTree Gully (5)
West Torrens (6)			
WESTERN AUSTRALIA			
Esperance (4)*	Manjimup (4)*	Perth (4)	Stirling (5)
Swan (5)*			
QUEENSLAND			
Brisbane (4)	Cardwell (4)*	Hinchinbrook (5)*	Ipswich (5)
Mareeba (4)*			

*These are LGAs outside the major cities and some councillors may be descended from pre-World War II generations
Note: The inner city LGAs of Sydney, Melbourne and Adelaide have small resident populations and are strongly influenced by business representation

Some councils have significant numbers of ethnic and immigrant members

How ethnic organisations lobby

Parliamentary representation and majority political parties are not the only avenues through which citizens can influence political decisions. Ethnic minorities, where free to do so, almost invariably form self-help organisations and social and religious organisations, some of which attempt to exert influence in the political system. Neither the parliaments nor the major parties have catered fully for the variety of ethnic minorities. Public opinion has been sceptical of 'special treatment' for such groups and this was recently given political power by the complaints of the One Nation party. As a general rule the greater the power of a political unit the smaller is its degree of 'ethnic representation'. Thus metropolitan local governments often include immigrant members, although these are rare in the two large industrial cities of Wollongong and Newcastle and in provincial towns. Some 'non-Anglos' have risen to be mayor, including Chinese mayors of Sydney, Melbourne, Adelaide and Darwin. Ethnic membership of State upper houses is usually higher than for the assemblies, where the effective government resides. The same is true when looking at State and national Cabinets. Victoria, where the ALP has deliberately cultivated some communities—and especially the Greeks—has been a modest exception to this trend. Commonwealth parliamentary membership has remained firmly in the hands of the Australian-born.

This does not mean that ethnic groups are powerless or alienated from the political process. In contrast to the United States up to the 1960s, or to Australia on a lesser scale over the same period, locally-born 'citizens' have not been excluded from the franchise on racial or cultural grounds for thirty years.

All citizens over eighteen are not only entitled to the vote but must, by law, register as voters and attend a polling station in all national, all but one State and some local government elections. Nor is there any prohibition on ethnic organisations or attempts, as in some European states, to register and control them. In fact there is no official information concerning how many ethnic organisations there are nor how strong and representative they might be. Restrictions on media in languages other than English were ended in 1956. The print media is not subject to any control or restrictions, other than those arising from libel or defamation applicable to all publications. The electronic media is subject to the Broadcasting Act and to licensing. The increase in free-to-air and cable/satellite stations has made possible the creation of radio and television stations which broadcast primarily in languages other than English.

Ethnic organisations may be distinguished as follows:

- those selected by government and subsidised to represent immigrant or ethnic opinion. These are normally pan-ethnic and conduct their affairs in the common language of English. (Examples include the Federation of Ethnic Communities' Councils of Australia (FECCA) at the national level and Ethnic Communities' Councils at the State and Territory level);
- those which try to represent an ethnic group on the basis of affiliations and federations (for example the Federal Council of Polish Organisations);
- those which receive official subsidies for the provision of 'ethnic specific' welfare and information services (for example Australian Jewish Welfare);
- those which are not supported by the state but which may be consulted in the formulation of policy or its administration (for example the Greek Orthodox Communities);
- those which mainly exist for social, cultural or sporting purposes (for example, the Veneto or Castellorizan clubs); and
- a variety of small organisations which may or may not have an interest in the political process.

In addition there are many prominent individuals, including some elected politicians or local councillors, who may have access to government directly or through parties and politicians.

While no official figures exist, depending on definitions there may be 4,000–5,000 'ethnic' organisations ranging from major churches, such as the Greek Orthodox, down to personal friendship groups which adopt a name to give themselves a higher profile. Particularly numerous among immigrants from southern Europe have been village or regional organisations which exist mainly for nostalgic rather than political purposes but may be affiliated to larger entities. More important than these in public policy terms are the many individuals employed in immigrant and multicultural services such as interpreting, English teaching, migrant resource centres, media and welfare. They take an important part in discussions and consultations. As many are on short-term contracts and are paid from public funds, they are often hesitant about expressing critical views in public but are a valuable asset for many less articulate migrants. Many have formed occupational collectives. A high proportion are second generation 'ethnics'.

Several major problems have inhibited the influence of ethnic-specific organisations (Sawer and Jupp 1996). They tend to be controlled by the immigrant generation whose focus is often on the homeland, whose expression is not in English, and who have difficulty in retaining the loyalty of the Australian-born generations. Those which receive government subsidies are wary of criticising government policies. There is often more interest in homeland political issues than Australian ones, and these may divide rather than unite ethnic communities. They can be manipulated by Australian political parties who see them as delivering an 'ethnic vote' rather than as claimants for services. The definition of aims thus becomes blurred. Moreover the retreat from multiculturalism which marked conservative politics in the 1990s made politicians wary of identifying too closely with the ethnic constituency even where it was a large part of their following.

Many immigrants do not define themselves in 'ethnic' terms. While some communities, such as the Greeks, are highly organised and politicised, others, such as the Indians, are not. While the media regularly spoke in terms of the 'powerful ethnic lobby' during the years of the Hawke and Keating Labor governments (1983–1996), this was only true to the extent that politicians and public servants paid attention to the lobby. Its influence declined noticeably after 1996 with the election of a government which was highly critical of catering for 'special interests'.

One potential avenue of influence, donations to parties, has rarely been used. Official figures show \$47,165 donated by ethnic organisations in 1998–99,

Problems of influence

\$36,100 in 1999–2000, \$62,811 in 2000–2001 and \$143,955 in the federal election year 2001–2002. Nearly all of this came from Chinese, Greek, Italian, Jewish and Arabic organisations, with the largest amounts going to the Liberal–National coalition. Italian money went predominantly to the Liberals, Greek to the ALP, while the considerable Chinese donations were divided. One interesting organisation created directly for political purposes, was the ‘Lebanese Friends of Mr Ruddoch’ [sic] (the former Minister for Immigration) which gave \$19,450 to the Liberals for the 2001 election campaign. These were, of course, relatively small sums compared to the corporate and union donations on which the major parties have always relied. Nor did much of it go to the minor parties. The Overseas Chinese practice of donating to political parties has been transferred to Australia and is of most significance in Sydney. In election year 2001–2002, Chinese organisations gave \$15,000 to the ALP and \$32,500 to the National Party and a smaller amount was donated to Unity, but in previous years more had been donated to the Liberals than to Labor. Donations seem quite randomly distributed between the major parties.

The national peak body for ‘ethnic’ Australians is FECCA which was set up with the encouragement of Department of Immigration officers in 1979 and has received a substantial grant since 1983 to maintain its office. FECCA is almost wholly funded by the Commonwealth and has never tried to increase the contributions of its State affiliates nor to gather funds from the ethnic communities. This makes it very vulnerable to pressure from the Commonwealth and especially from the Department of Immigration which administered the grant from 1983 to 1987 and again from 1996 when the Office of Multicultural Affairs was abolished.

FECCA

FECCA had a strictly federal structure until the mid-1990s which gave undue influence to the smaller States. Unlike its Canadian equivalent, it is based on State affiliates rather than national ethnic umbrella organisations. This has meant that some of the larger ethnic communities have not been very interested in its work and it has been of most use, like its State affiliates the Ethnic Communities’ Councils, to the smaller groups. In recent years influence within its structure has shifted from eastern and southern Europeans towards Asians, and especially those with English-language proficiency and professional qualifications. It was most active and effective in the 1980s but went through a difficult and unproductive period from which it was attempting to recover by 2002. FECCA by its nature cannot be too closely identified with a political party or with specific ethnic groups. But it could do more to develop policy, to defend multiculturalism against its critics and to define the changing interests of its constituents.

Figure 20: Political party funding

Donor	Amount	Party
2AC Australian Chinese Radio	\$5,000	ALP
Australia Chinese Teo Chew Assoc.	\$2,000	ALP
Australian Chinese Buddhist Assoc.	\$2,000	ALP
Australian Yui Ming Society	\$2,000	ALP
Greek Labor Consultative Committee	\$7,500	ALP
Mandarin Club Ltd	\$2,000	ALP
NSW Chinese Hakka Assoc.	\$2,000	ALP
Federazone Calabrese del Victoria	\$10,000	ALP
Bank of Cyprus Australia Pty Ltd	\$2,200	ALP
Italian Media Corporation	\$5,000	ALP
Universal Lionshare	\$9,880	ALP
Total	\$49,580	
Australia-Israel Chamber of Commerce	\$2,395	Liberal
Lebanese Friends of Mr Ruddoch [sic]	\$19,450	Liberal
Kisrwan Enterprises	\$10,130	Liberal
Korean Business Community	\$2,000	Liberal
Dante Tan	\$10,000	Liberal
Total	\$43,975	
Chinese-Australia Forum of NSW	\$32,500	National
Total	\$32,500	
Country State Development Pty Ltd	\$3,200	Unity
Dananko Pty Ltd	\$5,000	Unity
Nova Vida Holdings Pty Ltd	\$5,200	Unity
Somchai Tongsumrith	\$2,500	Unity
Tomerong Quarry, C/- J D Clayton & Associates	\$2,000	Unity
Total	\$17,900	

Source: Australian Electoral Commission, Annual Disclosure Returns

Ethnic organisations donated \$143,955 to political parties in 2001–2002

At the State level there are three layers of ethnic organisations receiving public funding. First there are the Ethnic Affairs (now more commonly Multicultural) Commissions which are directly part of the State government structure. Each State and Territory has one, regardless of political control, although they developed first in ALP-governed States. More independent are the Ethnic Communities' Councils which are based on the affiliation of State-level ethnic organisations and themselves affiliate to FECCA. All receive State-level funding and may also be eligible for specific Commonwealth funding for research and policy development.

Finally at the local level there are the Migrant Resource Centres created by the Galbally report of 1978. These are funded by the Commonwealth Department of Immigration and are subject to its control, including the possibility of abolition or relocation, both of which have happened. They are funded by the Department but managed by locally elected committees. Several large metropolitan local councils also employ a small number of officers to manage ethnic community issues. This is an elaborate and potentially influential range of agencies. But all are dependent on public funding and are consequently limited in their independence. FECCA and the MRCs are subject to Commonwealth pressures. The ECCs may have disputes with their State sponsors, most notably in New South Wales in 2001 when funding was withdrawn in an arcane dispute over the word 'ethnic' to which the State Premier objected.

If these quasi-representative agencies are vulnerable, the situation nationally is even more acute. There is no agency, other than a small section within the Department of Immigration, which has much policy influence or an advocacy role. There has been no 'powerful ethnic lobby' for several years nor an effective agency for monitoring the provision of services on an equitable basis. Essentially these roles have passed to the States and away from the influence of the Department of Immigration. As the States deal with many relevant issues such as education, health and housing, and are major employers and regulators of industrial conditions, this may be an advantage. The federal government advisory body, the Council for Multicultural Australia, is a paper organisation with no resources distinct from those of the Department of Immigration. This means, given the weakness of FECCA in recent years, that there is no effective national voice for the millions of Australians who make up such a large part of the metropolitan population.

How governments respond

Given the constraints just described, how responsive have Australian governments been to the demands articulated by ethnic advocacy organisations? Are they as likely to be heard as organisations representing other sections of the population? The answer varies over time and depends to some extent on which parties are in office nationally or at the State level. The ALP normally represents the great majority of electorates with large ethnic populations. Consequently it built fairly close relations with many communities and their leaders during the 1970s and 1980s. More recently the claims of ethnic minorities have, like the claims of other vulnerable groups in the community, faced increasingly rigorous assessment and public sector cost-cutting. Many major services, ranging from detention to English teaching, have been privatised. The most important issues on which the federal government has been increasingly restrictive have been family reunion and access to mainstream welfare services. As a deliberate policy the family reunion component of the immigration program has been made secondary to the skilled component and reunion, other than for spouses and dependent children, has become very difficult. Visa costs have increased to the disadvantage of poorer applicants and large bonds have to be posted as a guarantee that family nominees will not burden the Australian taxpayer.

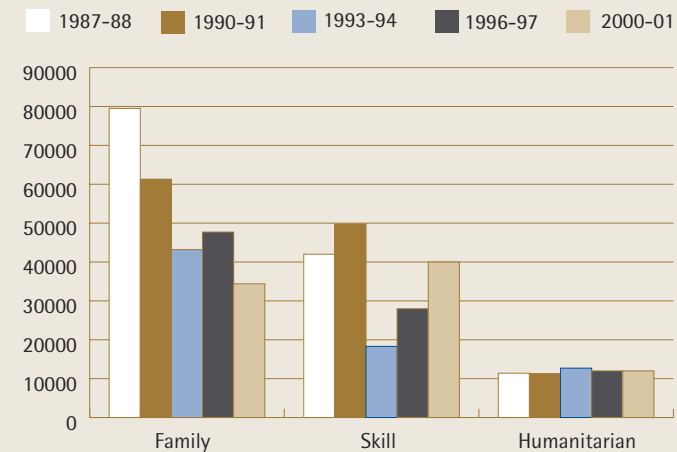
Access to most welfare services, other than Medicare, has been withdrawn for all arrivals other than the 10 per cent in the Humanitarian stream, for a period of two years after arrival. While governments continue to declare support for multicultural principles, such support has been more effectively implemented at the State level than at the Commonwealth. The Council for Multicultural Australia has very limited resources and functions compared with its predecessors or with most of the comparable State agencies.

Controlling immigration

PAGE 44

Non-citizens have no absolute right to enter or to remain in Australia. New Zealanders are visaed on entry under the Trans-Tasman agreement. All others must have a visa or they may be subject (since 1991) to 'mandatory and irrevocable detention'. This provision is now almost invariably applied to asylum seekers arriving by boat without documentation. Those arriving with a valid visa, usually a student or tourist visa, are given a bridging visa if they apply for refugee status, which allows them to reside in the community until their case is resolved. This was restricted in 2003. Although there is a wide variety of visas they fall essentially into three categories: **Skill**—45.5 per cent of annual immigrant and refugee intake (2000–01); **Family**—38.6 per cent; and **Humanitarian** (including refugees)—13.6 per cent. There is a small special eligibility stream in addition. Asylum seekers judged to be refugees after arrival ('onshore') are added into the refugee stream, thus reducing the places available for those visaed as refugees 'offshore'. The humanitarian component of the intake has not varied much for about twelve years but the skilled and family streams have reversed their numbers since 1996, with parent visas being capped at 500 per annum. Family entrants are expected to be financially supported by their nominating relatives (usually now spouses) while skilled entrants are expected to have qualifications and English capacity such that they can secure immediate employment. Business skills constitute one of these qualifications.

Figure 21: Immigration major categories for selected years 1987–2001



(Residual categories amounting to 1-2 per cent and New Zealanders have been excluded. Since 1996 onshore refugees have been added to offshore humanitarian programmes.)

Source: DIMIA website and Annual Reports

Skilled and Family immigration has reversed since 1996

PAGE 45

The rights of asylum seekers

While the issuing of a visa does not bestow an absolute right to enter Australia or to remain for a specified time or purpose, it is unusual for visaed arrivals to be turned away or to have their stay terminated before the visa expires. Those arriving without a visa can be returned to their departure point or country of citizenship at the expense of the carrier. This creates an effective barrier monitored by the airline. The only major exception is for those claiming refugee asylum under the UN *Convention Relating to the Status of Refugees* of 1951 and the Protocol of 1967, to both of which Australia adheres. To discourage the arrival of undocumented asylum seekers Australia has, since 1991, detained them in circumstances and conditions which have become highly controversial since the late 1990s. Detention centres have been located in remote areas. In 2001 this practice was extended by locating centres in the independent states of Nauru and Papua New Guinea. A further centre is being built on Christmas Island, which is an Australian territory but has been defined out of the Australian 'migration zone' along with some uninhabited islands. These extra-territorial locations deprive asylum seekers of the appeal processes available in Australia. These detainees are processed by the UN High Commissioner for Refugees in cooperation with the Australian Department of Immigration but have no absolute right to settle permanently in Australia even if judged to be refugees. New Zealand has accepted over 400 but there were still 300 on Nauru at the end of 2003, two years after they were removed there from the Norwegian container ship *Tampa* which had picked them up from a sinking boat (Marr and Wilkinson 2003).

Detained asylum seekers arguably have fewer human and civil rights than anyone else in Australia, especially those who have been located outside areas deemed

to be within the Australian 'migration zone'. Official statements underline that they have the right to leave Australia either for their homeland or anywhere else. This right is inhibited by lack of resources, by fear of persecution (or 'refoulement' which the UN Convention forbids), by the refusal of original homelands to receive them or, in several cases, by the reluctance of the Australian authorities to release them. Those unsuccessful asylum applicants who are eventually removed are charged for the costs of their detention. This charge is not collected but prevents them from later applying for immigrant status because they have 'incurred a debt to the Commonwealth'. While most European countries have been more generous towards asylum seekers and less likely to detain them, the trend in Europe is also towards harsher treatment.

Asylum seekers within Australia, whether detained or not, have several avenues of appeal. Their cases are considered within the Department of Immigration which may grant them refugee status or temporary protection. Initially this will be for a period of three years. However those who arrived without documentation

Figure 22: Development of Australian policy on refugees and asylum seekers

1947	Postwar Displaced Persons program begun
1954	Australia ratifies the 1951 UN Convention on Refugees
1973	Australia ratifies the Protocol to the Convention
1981	Global special humanitarian program begun
1982	Orderly departure program with Vietnam
1989	Chinese students in Australia allowed to remain after repression
1991	Mandatory detention for the undocumented and opening of Port Hedland detention centre
1992	Special assistance category mainly benefits Yugoslavs
1993	Refugee Review Tribunal established
1999	Woomera detention centre opened
2001	Norwegian ship Tampa boarded and over 400 asylum seekers removed to Nauru and Manus—the 'Pacific solution'
2002	Rioting and breakouts from Woomera and other centres
2003	Woomera closed and inmates removed to Baxter (South Australia)

Trend to harsher treatment of asylum seekers

can, under current practices, 'never' convert this to permanent status if they spent more than seven days in transit through another state deemed capable of protecting them. Nor are they entitled while under protection to the range of welfare services available to other refugees or to immigrants in general. Timorese under temporary protection have been refused permission to remain permanently after many years residence and the birth of children in Australia because they arrived during a crisis without access to the visa issuing process. In 2003 an agreement for returning asylum seekers was signed with Iran, while Afghans were subsidised to return to Afghanistan.

For the majority of applicants who are not granted refugee status by the Department, a Refugee Appeals Tribunal was created in 1993 alongside the Migration Review Tribunal. These have operated as semi-judicial bodies but appointments to them have been at Ministerial discretion and their independence has been questioned. Failing at the tribunal level still allows appeal through the courts. But this right has been steadily reduced. The insertion of 'privative clauses' in legislation has removed the power of lower courts. However an attempt to extend this to higher courts was unanimously rejected in a High Court decision in February 2003. The High Court held that final appeal was guaranteed in the Constitution (under section 75). There is no system of immigration courts as in the USA or the UK. Long delays in appeal processes leave many in detention for periods of two or three years. The impact of the High Court decision has yet to be experienced. Those outside detention are denied welfare support if they appeal to the courts.

Detention managed by American-owned prison company

The detention system, as it has operated since the late 1990s, has been plagued by outbreaks and rioting. It has been managed within Australia by a private American-owned prison company. The Department of Immigration regularly argues that the centres are not prisons. The UN Convention opposes imprisonment for undocumented entry and imprisonment without trial is constitutionally very dubious. Asylum seekers have not committed a crime, at least until they try to escape or riot, which are criminal offences punishable by prison. Australia is not legally bound by every aspect of the Convention and Protocol and has argued that it is in conformity with the letter of its obligations. However its long-term detention without trial of several thousand people and its attempts to limit their access to legal appeal do raise serious issues of human rights within a liberal democratic framework (Crock and Saul 2002), identified in the Audit as core democratic values.

Multiculturalism —threats and opportunities

The various official formulations of multiculturalism in 1978, 1989, 1995 and 1999 all stressed that ethnic variety must be accepted within 'strictly defined limits' (NMAC 1999). In practice these limits were not strictly defined but taken to include the use of English as the national language (which nobody had challenged), obedience to the law, the Constitution and political institutions (which was also unquestioned), tolerance for other cultures (which was sometimes an issue between groups hostile in their homelands but not in general), and an overall loyalty to Australia (which was more contentious but mainly urged by One Nation) (Gardiner-Green 1993). The assimilationist assumptions behind these limits were rarely questioned. The critique of 'assimilation' had been directed against the crude Anglo-conformity which characterised the immediate postwar years. Social harmony was defined as the avoidance of violence. Until the 1970s the great majority of immigrants had been Europeans and even today the majority are nominally Christians. Australia has a lower Muslim population than France, Germany or Britain, and a lower non-European percentage in its population than the United States, Canada or New Zealand. Most of its immigrants have been selected, with the major exceptions in the past being British or New Zealanders. Thus the state has not been obliged to define or implement 'strict limits' to ethnic variety in the sense that this might be true for Europe or North America.

Where the state may be said to have repressed ethnic variety and thus limited liberal democracy has been in its treatment of unselected asylum seekers and its limitations on family reunion and access to welfare for recent arrivals. While non-citizen permanent residents enjoy most of the rights of citizens, this is not true for recent arrivals nor for those under temporary protection. As the department which controls entry to Australia, citizenship, multiculturalism, immigrant welfare and access and equity, the Commonwealth Department of Immigration and Multicultural and Indigenous Affairs has the most influence on the rights, duties and limitations of immigrants. It does not enjoy a monopoly and relevant public policy is also made by the States and by Commonwealth departments of social welfare, justice and education. Thus the development of a coherent strategy for managing a liberal, multicultural democracy has been shared by agencies which may not have common approaches and by political parties which have to respond to a sometimes sceptical electorate. The counterweight to this, in the numbers of immigrant voters and their immediate descendants, has often been inadequately organised. Immigrants from such a variety of backgrounds are unlikely to develop solidarity behind focussed aims. They have had better access to citizenship and to political institutions than in many comparable societies. But they still face the widespread attitude that they need to prove themselves as Australians before they can exercise the political influence which their numbers might justify (Jupp and Kabala 1993).

Sources of ethnic tension

Three developments in recent immigration trends have exacerbated ethnic tensions in western democracies:

- the sudden advent of large numbers of a visibly different race or culture;
- poverty or disadvantage among certain ethnic groups; and
- the arrival of people whose culture or religion is regarded as incompatible with expected norms.

Australia has avoided much of the ethnic tension experienced in other democracies in recent years by operating a controlled and planned immigration program and by its distance from the major migration streams. Thus it is not simply

the political institutions, policies and practices which have maintained 'social harmony'. These have recently been put under stress by the arrival of a relatively small number of asylum seekers from Afghanistan and Iraq, the worldwide concern with Islamic fundamentalism and the long term effects of manufacturing decline and unemployment. The presence in the major cities of large numbers of 'Asians'—many of them tourists and students—may also contribute to the social tensions evident in the temporary rise of One Nation between 1997 and 2001. The impact on Australian democracy of these recent developments suggests that while the civil rights of citizens are still well protected, the human rights of non-citizens are vulnerable.

Australian democracy can claim successes but must also admit failures in its implementation of a liberal, democratic, multicultural society providing equitable access to influence and to public goods for all its citizens.

Positives

Overt ethnic discrimination has been eliminated in admission to Australia as well as in the granting of citizenship and access to political institutions and public services.

- The grant of citizenship is available with a minimal waiting period and requirements;
- there are no restrictions on the voting rights of citizens;
- dual citizenship is allowed for the native-born and is permissible for naturalised immigrants;
- special services have been developed for those of different languages and religions from the majority;
- laws and institutions to protect against racial discrimination, violence and defamation have been put in place;
- public figures regularly proclaim that Australia is multicultural and must be 'tolerant';
- racist political movements have been marginalised and there is minimal racial violence;
- admission to the public services, armed forces and most elected bodies is open to all citizens;
- religious tests for national public office are prohibited by the Constitution (section 116);

- organisations servicing or representing ethnic minorities and/or immigrants receive public funding;
- there are no specific restrictions on ethnic organisations or media which do not generally apply; and
- religious schools of all faiths are eligible for public funding.

Negatives

There has been an erosion of the rights of asylum seekers and refugees and some inroads into the rights of permanent residents, such as access to welfare or family reunion.

- Undocumented asylum seekers are subject to mandatory and irrevocable detention until their cases are cleared, including forced detention outside Australia;
- some refugees on temporary protection visas are denied public welfare or permanent residence;
- family reunion for parents has been capped at a minimal level;
- appeals to the courts against immigration decisions have been progressively reduced;
- public welfare services are not available for permanent residents until two years after admission;
- the political representation of ethnic minorities is well below the level which might be expected from their number of voters;
- the major political parties restrict the selection of ethnic minority candidates;
- attacks by media personalities or politicians on ethnic or religious minorities are rarely subject to official sanction;
- membership of the Commonwealth parliament is restricted under section 44(i) of the Constitution;
- local government franchise is not available to non-citizen permanent residents in half the States;
- support for multicultural policies and approaches has declined among public figures and state agencies;
- access and equity performance is inadequately monitored; and
- there are now no effective agencies at the national level for advocating and advancing multicultural objectives as the Council for Multicultural Australia has extremely limited resources and there is no longer a presence within the Department of Prime Minister and Cabinet.

Overall finding

The legal and constitutional framework for a liberal, multicultural democracy is well established, but the implementation and advocacy of policy is less well developed. The interplay between the political parties and majority opinion inhibits multiculturalism as do some entrenched traditions. A well planned immigration and settlement program has modified many of the tensions found elsewhere. This may not continue if these programs are made more rigid and if cultural variety becomes more challenging to accepted attitudes.

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