Introduction - the Multicultural Council of the Northern Territory

Established in 1977, the Multicultural Council of the Northern Territory (MCNT), based in Darwin, is the local peak body for multiculturalism as well as a service provider for individuals and families from culturally and linguistically diverse communities with many members and clients from non-English speaking backgrounds. For more than 30 years as a socially aware NGO, the MCNT has acted as a key liaison agency at the interface between migrant and refugee communities, the government and the wider community.

The MCNT receives operational funding from the Northern Territory Government through the Office of Multicultural Affairs and project funding from the Commonwealth Government: the Department of Immigration and Citizenship (DIAC) and the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) to facilitate self-reliance and participation for recently-arrived migrants and refugees and encourage their settlement, inclusion and integration within the Australian economy and society.

Background to this submission

The MCNT has a strong commitment to community development, social justice and empowerment with the primary aim to identify and address barriers to cultural inclusion and social and economic participation for our new settlers. The MCNT celebrates cultural diversity and invites project stakeholders and engages the wider community to identify and address social cohesion issues that are generic as well as Territory-specific.

The MCNT consults regularly with community leaders and representatives to discuss issues of concern and to ascertain evolving and emerging settlement needs for humanitarian entrants. Over a number of years the MCNT has developed close working relationships with various emerging African communities and more recently the Bhutanese, Burmese-Karen, Burmese-Rohingya and Afghan-Hazara refugee communities.

The MCNT’s formal submission to the National Human Rights Action Plan process was inspired by the MCNT’s attendance and inclusion at the National Human Rights Action Plan NGO Workshop on Wednesday 7th September 2011, one of a series convened by the Human Rights Law Centre around Australia. In this submission the MCNT will focus on three human rights issues which we believe should be added to Chapter 3.10: Refugees, asylum seekers and migrants in the National Human Rights Action Plan Baseline Study Consultation Draft.
Chapter 3.10: Refugees, asylum seekers and migrants

Are there any additional human rights issues that could be added which affect the specific groups identified in this section?

(i) Barriers to Citizenship

Article 15 of the Universal Declaration of Human Rights states:

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

In brief: The MCNT is concerned that the Citizenship Test is discriminatory to aspiring candidates from countries of origin of a non-English speaking background and/or humanitarian entrants. The MCNT believes that citizenship provides a sense of belonging and should be afforded as expeditiously and equitably as possible to people granted permanent residency; access to a non-discriminatory pathway to citizenship is a human rights issue rather than a privilege.

The MCNT has a history in advocacy on behalf of its members and clients for this issue. The MCNT provided a response in November 2006 to the Citizenship Discussion Paper “Australian Citizenship: Much More than a Ceremony” distributed to stakeholders by DIAC and facilitated a community consultative meeting in Darwin to discuss the proposed changes canvassed in this discussion paper in September 2006. The MCNT also provided submissions for the Inquiry into the Australian Citizenship Amendment (Citizenship Testing) Bill in July 2007 and the Inquiry into the Australian Citizenship Amendment (Citizenship Test Review and other Measures) Bill in July 2009.

The Citizenship Test was introduced in Australia in October 2007 by the Howard Government. There was historical evidence that candidates from countries of origin of a non-English speaking background had a higher failure rate than other aspiring citizens. Preliminary results demonstrated that the Citizenship Test appeared to discriminate against candidates from non-English speaking backgrounds and/or humanitarian entrants. In general refugees performed poorly compared to skilled migrants. In the wake of these results in April 2008 the incoming Rudd Government appointed an independent committee to conduct a review of the Citizenship Test. The new revamped Citizenship Test was subsequently released in August 2009, with special provisions for humanitarian entrants.

The MCNT welcomes the recent study by the Migration Integration Policy Index (IMPEX) which found that Australia is a world leader in providing a clear path to citizenship. Australia ranked 3rd out of 33 countries in citizenship policies and 5th in its overall approach by to providing opportunities for citizenship and participation in society. While the Citizenship Test has become fairer and more flexible, the levels of English required are still however more demanding than in other comparable countries and in this sense it is discriminatory and infringes on the human right of nationality.

Many human rights in civil, political, social and cultural spheres cannot be expressed and enjoyed, unless secured by citizenship. The MCNT supports the requirement for non-English speaking background migrants to learn the English language, to know more of its history and to commit to a minimum set of universal values such as the respect for the law, democracy and equality. The MCNT remains unconvinced however that a formal citizenship test in itself is the primary indicator that indicates the ability of the potential citizen to make a positive contribution to Australia and feel ‘Australian’.
(ii) The discriminatory nature of Income Management

The Commonwealth Government recently introduced a system of income management targeting families on various Centrelink benefits throughout the Northern Territory. Income Management was originally introduced as part of the Northern Territory Emergency Response applied to indigenous communities under the Howard Government in June 2007. The MCNT is concerned about the discriminatory nature of the income management regime for its members and clients from refugee communities.

In brief: For recently arrived refugee families, there are significant concerns with the local rollout of income management regime and the BASICS Card. The MCNT is concerned this regime will impose extreme restrictions on the purchasing freedom for culturally appropriate food and curtail the ability to send remittances overseas to family members. For various reasons there will be extreme difficulties with asserting the human right to appeal for an exemption.

The MCNT and other local service providers believe that the extension of income management and the BASICS Card to recently arrived refugee families will impact on the integrity and structure of family relationships, mitigates against the promotion and enhancement of self-reliance, life skills and financial independence during settlement and promote intergenerational dependence on welfare.

The MCNT believes that it is paternalistic to the extreme to label refugee families under the income management regime as being poor managers of household finances simply because during the initial period of settlement they happen to be Centrelink beneficiaries (in most cases, short term). Refugee families arguably know more than most of their fellow residents and citizens in Australia how to care for families and manage a budget on extremely limited financial resources.

The MCNT and other local service providers have witnessed the extension of income management to recently arrived refugee families in the Northern Territory to contribute to the emigration of new settlers from Darwin to southern states where the income management regime does not apply. Income management has created a push/pull factor and exacerbated concerns of local service providers that some recently arrived refugee communities in Darwin are barely viable and sustainable because of low numbers.

The BASICS Card imposes extreme restrictions on the purchasing freedom of recently arrived refugee families. Many recently arrived refugee families because of overseas experience and cultural and religious reasons prefer to shop at the markets and specialist suppliers not currently registered for the BASICS Card in Darwin, particularly for fresh food, Halal meat and clothing. These recently arrived refugee families will be held hostage to purchasing more expensive, lower quality, shorter shelf-life and often culturally inappropriate fresh food and other items from the large supermarket chains.

The MCNT believes that the extension of income management will curtail the ability of recently arrived refugee families to send remittances overseas for family members still residing in refugee camps. Recently arrived refugee families, because of their lack of familiarity with the Australian social security system, cultural issues and often low levels of literacy, will often find it extremely difficult to assert their right to appeal for an exemption to the income management regime.
The need for culturally appropriate residential aged care

Australia’s population is ageing and it needs to be recognised that the ageing population from CALD backgrounds is growing at a proportionately faster rate than for the overall population. Demographic projections indicate that the proportion of Australians from culturally and linguistically diverse (CALD) backgrounds over 80 years of age has increased from one in eight in 1996 to one in five by 2011 and is estimated to be one in four by 2026. Up to 80% of older CALD people are also concentrated in Australia’s capital cities.

In brief: The MCNT believes that for older migrants and refugees there are significant service gaps with intrinsic cultural isolation, disadvantage and marginalisation. For smaller and dispersed ethnic and religious communities there are inherent access and equity issues in residential multicultural aged care. The MCNT believes that there is the basic human right to culturally appropriate and responsive aged care services for migrants and refugees in their later years.

The older CALD community comprises people who arrived to Australia as refugees and skilled migrants when they were young and have aged in Australia, as well as those who have migrated in older age for reasons of family reunion or retirement. For older people in CALD communities there are significant service gaps with culturally appropriate and responsive care with intrinsic cultural isolation, disadvantage and marginalisation. Under the Aged Care Act 1997 older people from CALD backgrounds are identified as a special needs group in residential and community settings who share with other older Australians certain generic challenges as well as specific unmet needs from the ageing process.

For various cultural reasons residential aged care has traditionally not generally been considered an option by CALD communities. There has been the traditional expectation that elderly CALD background parents will be cared for and supported by families and communities. However within CALD communities, kinship based extended family caring structures and intergenerational reciprocity are changing through economic and social pressures, family tensions and intestate migration. As a consequence there will be an unprecedented future demand for residential aged care services for older CALD people.

For some larger CALD communities from non-English speaking backgrounds in specific locations, ethno-specific aged care services provide a high standard of care and are in high demand. The needs and preferences of smaller and dispersed CALD communities, even in capital cities, however are not usually well targeted and can be overlooked with low residential numbers in under-resourced multicultural or mainstream aged care services.

Migrants and refugees have the right to culturally appropriate and responsive services that maintain dignity and quality of life. Culturally competent “person-centred” end of life and palliative care maintains individualised quality care for older Australians from CALD backgrounds through supporting individual cultural and linguistic needs and preferences.

The MCNT believes that the need for cultural competency and ethno-specific care should be integrated within the residential aged care policies and services for CALD communities and adequately address the intrinsic and ubiquitous cultural diversity of Australia.