

17 March 2023

Secretariat
Multicultural Framework Review
Department of Home Affairs
Via email: multiculturalaffairs@homeaffairs.gov.au

Dear Secretariat,

Re: Terms of Reference, Multicultural Framework Review

Women's Legal Services Australia welcomes the opportunity to comment on the Terms of Reference (TOR) of the Multicultural Framework Review.

About Women's Legal Services Australia

1. Women's Legal Services Australia (WLSA) is a national network of 13 specialist women's legal services in each State and Territory across Australia, specifically developed to improve women's lives through specialist legal representation, support, and advocacy.
2. WLSA members provide high quality free legal services, including representation and law reform activities, to support women's safety, access to rights and entitlements, and gender equality. We seek to promote a legal system that is safe, supportive, non-discriminatory, and responsive to the needs of women. Some of our services have operated for over 40 years.
3. WLSA members have specialist expertise in safety and risk management, maintaining a holistic and trauma-informed legal practice, providing women additional multidisciplinary supports, including social workers, financial counsellors, trauma counsellors, and cultural safety workers, for long-term safety outcomes.
4. In 2021, 7 WLSA members were identified as best-placed service providers for the Temporary Visa Holders Experiencing Violence Pilot; a Pilot to provide wraparound and specialist legal and support services, including migration advice and representation, to women on temporary visas or no visa experiencing domestic and family violence. Notably, the Pilot is about to commence its third funding cycle, with WLSA members again identified as best placed to deliver same.

Our advocacy focus

5. WLSA and our individual member services work to contribute to policy and law reform discussions to ensure that the law does not entrench gender inequality or gender-based discrimination, or unfairly impact women experiencing violence and relationship breakdowns. We are informed by a feminist framework that recognises the rights of women as central.
6. Our primary concern when considering any proposed legislative or policy amendments is whether the changes promote gender equality and/or make the legal system fairer and safer for both our clients and all victim-survivors of violence against women. Our submission reflects this focus.

Recommendations

7. WLSA supports the review of Australia's Multicultural Framework and has made the following four recommendations for consideration in the TOR.
 1. Alignment with National Plan to End Violence Against Women and Children 2022-33
 2. Lived experience of migration
 3. National Principles
 4. Reflecting our diverse community

Alignment with National Plan to End Violence Against Women and Children 2022-33

8. We recommend aligning the Review TOR with the National Plan to End Violence Against Women and Children 2022-33 (National Action Plan). Importantly, the National Action Plan recognises that migrant women face structural barriers to seeking support and safety that other women do not. For example, under the current legislation, some migrant women escaping family violence and ending a relationship may be significantly and negatively impacted because of the resulting changes to their visa status and eligibility for social security.
9. WLSA recommends the opening paragraph of the TOR explicitly states the Panel and Reference Group will apply an intersectional lens to the review. We recommend that gender and safety be considered applicable to all aspects of the TOR.

Lived experience of migration

10. WLSA recommends that in addition to people with lived experience being on the Reference Group, the Multicultural Framework Review Panel be majority, or solely comprised of people with diverse lived experience of migration. For example, first and second generation migrants, diverse genders, ages and rural and remote experiences of migration.

National Principles

11. WLSA recommends the TOR seek input into what the underlying principles of Australia's Multicultural Framework should be. These principles can then underpin all aspects of the framework development and guide its application across government. For example, the Framework will be underpinned by principles such as non-discriminatory, anti-racism, non-punitive and promoting safety.

Reflecting our diverse community

12. WLSA believes that the review should assess not just the effectiveness of current federal diversity, equity and inclusion strategies, but the extent to which the existing Australian public service reflects multicultural Australia, at all levels. WLSA also recommends expanding the TOR to include the training needs of APS staff in relation to supporting Australia's modern multicultural society, for example cultural safety, cultural awareness and anti-racism training.

Conclusion

WLSA looks forward to making further submissions to the Multicultural Framework Review to ensure the laws, policies and frameworks reflect the diversity of the Australian population and do not entrench gender inequality, or negatively impact women experiencing violence and relationship breakdowns.

If you require any further information, please contact Vanessa Burn, Chair of the WLSA Migration Law Committee at VBurn@wlc.org.au.

Yours faithfully,



Vanessa Burn
Chair
Migration Law Committee
Women's Legal Services Australia