

The Small Worlds of Multiculturalism:  
Tracing Gradual Policy Change in the Australian and Canadian Federations

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A dissertation submitted in partial fulfillment of the requirements for the  
Doctorate in Philosophy degree in Political Science

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## **Abstract**

Competing narratives on the “rise and fall of multiculturalism” (Kymlicka 2010) confuse our understanding of the evolution of multiculturalism policy, particularly in the case of federations like Canada and Australia. Part of the issue is the sharp separation between stability and change and prevailing focus on national multiculturalism policies. This overlooks important and simultaneous developments in the constituent units of these two federations. We therefore ask how and why have multiculturalism policies changed in the constituent units of Australia and Canada? First, we argue that amid a noticeable decline in support for multiculturalism on the part of the central government in both countries, constituent unit governments have become a crucial source of multiculturalism policy development in Australia and Canada. Because many of the economic, labour, civil rights and social policy challenges involve state/provincial or shared responsibilities, multiculturalism policies are developed and implemented in large part by constituent units. Thus, we cannot comment on multiculturalism policies in federations without paying attention to the experiences and contributions of constituent units. Second, we argue this process of multiculturalism policy change can be conceptualized along four modes of gradual institutional change referred to as policy drift, layering, displacement, and conversion. These incremental modes of policy change are the result of a distinct combination of contextual, structural, and agency-based factors. More precisely, (1) a shift in the socio-political context marks the opening of a critical juncture as new ideas and demands for reform emerge; (2) institutional rules with separate compliance and enforcement standards structure reform pathways; and (3) the relationship between policy and political entrepreneurship activates the causal mechanisms that consolidate the separate modes of gradual institutional change. The dissertation therefore offers a more complete theoretical explanation of the processes of institutional change, their ideational influences and causal mechanisms through fresh empirical observation. Building on Mahoney and Thelen’s (2010) theory on gradual institutional change, the dissertation applies a process-tracing method over the period 1989 to 2019 to four case studies: Nova Scotia, South Australia, New South Wales, and British Columbia. In sum, generating inquiry that looks beyond national policies allows us to capture concurrent processes happening within and across State/provincial boundaries, which in turn shape their shared citizenship.

## Résumé

Les récits contradictoires sur « la montée et le déclin du multiculturalisme » (Kymlicka 2010) compliquent notre compréhension de l'évolution des politiques de multiculturalisme, particulièrement dans les cas du Canada et de l'Australie. Le problème provient en partie de la séparation nette entre la stabilité et le changement, ainsi que de l'attention portée presque exclusivement aux politiques nationales de multiculturalisme. Cela occulte d'importants développements ayant lieu de façon simultanée dans les unités constitutives de ces deux fédérations. Nous nous demandons donc comment et pourquoi les politiques de multiculturalisme ont-elles changé dans les unités constitutives de l'Australie et du Canada? Premièrement, nous soutenons qu'au milieu d'un déclin évident pour le multiculturalisme de la part des gouvernements centraux dans les deux pays, les gouvernements des unités constitutives sont à l'origine de développements cruciaux pour les politiques de multiculturalisme au Canada et en Australie. Étant donné que plusieurs défis touchant à l'économie, au travail, aux droits civils et aux politiques sociales sont de responsabilité provinciale/étatique ou partagée, les politiques de multiculturalisme sont développées et appliquées principalement par les unités constitutives. Il s'ensuit que nous ne pouvons pas aborder la question des politiques de multiculturalisme dans les fédérations sans porter attention aux expériences et contributions des unités constitutives. Deuxièmement, nous affirmons que nous pouvons conceptualiser ce processus de changement de politique de multiculturalisme selon quatre modes graduels de changement institutionnel appelés dérive, superposition, conversion et déplacement. Nous démontrons que ces modes distincts sont façonnés par une combinaison singulière composée de facteurs contextuels, structurels et d'agentivité. Plus précisément (1) un changement au niveau du contexte sociopolitique marque l'ouverture d'une conjoncture critique alors que de nouvelles idées de réformes et revendication émergent; (2) des règles institutionnelles avec différentes normes de conformité et d'application structurent les trajectoires de réformes; et (3) la relation entre des entrepreneurs du politique et des politiques publiques activent les mécanismes causaux qui consolident les différents modes graduels de changement institutionnel. La thèse offre donc une explication théorique plus complète des processus de changement institutionnel, leurs influences idéationnelles et leurs mécanismes causaux à travers des observations empiriques originales. En partant de la théorie du changement institutionnel graduel de Mahoney et Thelen (2010), la thèse emploie une méthode de reconstitution de processus couvrant la période de 1989 à 2019 dans quatre cas d'étude : la Nouvelle-Écosse, l'Australie-Méridionale, la Nouvelle-Galles-du-Sud et la Colombie-Britannique. Ainsi, la production d'études qui s'interrogent sur les politiques publiques autres que nationales permet de découvrir des processus se déroulant de manière simultanée à l'intérieur et à travers les frontières provinciales et étatiques, qui, à leur tour, façonnent leur citoyenneté commune.

## Acknowledgements

My experience of writing a PhD dissertation has been marked by intermittent periods of proud accomplishments and unfortunate setbacks, bursts of optimism amid chronic self-doubt. Writing is a deeply introspective experience that requires long periods of isolation. It can be very enlightening, as it brings you to question your core beliefs and test the limits of your capabilities. But without the support of some especially kind and caring people, it would have been an unbearably long and lonely process. I wish to express my sincere gratitude to these people, without whom the completion of my dissertation would not have been possible.

Merci Frédérique, you challenge me intellectually and nourish my thought process. Your uplifting spirit and generosity, at times relishing your *female* breadwinner status, allowed me to pursue my studies clearheaded. Most of all, I am truly grateful for the love and joy you bring to our lives.

Merci Dimitrios Karmis, your belief in me never wavered. There is an innate humanism to your character that makes talking to you feel therapeutic. You listen with empathy and offer honest advice, which has helped me get through some of my toughest personal and professional challenges.

Merci André Lecours, your trust and mentorship gave me confidence and did wonders for my career development. In addition to offering me formative teaching and research opportunities, I awaited our meetings with pleasure (and cookies) thanks to your cheerful attitude and witty humour.

Merci François Rocher, your kindness, inquisitive nature and methodical approach make you a fantastic role-model. Working on projects with you was not only fun, it helped me develop the habits and toolset needed to produce quality research on a range of topics.

Merci Mireille Paquet, for inviting me into your research circles and the networking opportunities you provided me. Your drive and gregarious personality draw people in and create lasting friendships. Most importantly, you were instrumental in helping me complete my dissertation proposal.

Merci Cédric Jourde, your enthusiasm and passion for teaching is contagious. Your ability to break-down complex problems into clear explanations of equal parts humour and creativity make you an exemplary pedagogue. I frequently drew inspiration from you in my own lectures and relied on the skills you helped me hone.

Merci Sylvie Lachapelle, and all the staff at the School of Political Studies' secretariat. Your warm-hearted greetings and outstanding professionalism make complying with administrative requirements remarkably easy and painless.

Merci Djamel Chikh, for the comic relief and brotherly advice. You are a gentle and kind old soul, always in good spirits and full of positive feedback.

Merci Veika Donatien, for checking-in on me now and then and for always being open to a good conversation over a pint. You listen without judgement and are truthful, which makes chatting with you a natural and fun diversion from the rigours of academia.

Merci Mom, Dad and Chan, your problem-solving and organizational skills, along with your integrity and tireless work ethic, have always inspired and motivated me. You have provided me with endless love, support and encouragement to pursue my athletic and academic goals.

A special thanks goes out to the people and organizations that have helped fund my doctoral studies. I wish to thank Alain-G. Gagnon and Olivier De Champlain who have generously provided scholarships and travel grants to present my research and attend highly stimulating conferences organized by the CRIDAQ and GRSP. I would also like to thank Eric Champagne from the Centre on Governance and Rupak Chattopadhyay of the Forum of Federations for supporting my research on the study of federalism. Finally, writing my PhD dissertation would not have been possible without the financial support and assistance of the University of Ottawa, the Ontario Graduate Scholarship Program, and the Social Science and Humanities Research Council. Your support gave me the time and space needed to fully immerse myself in my doctoral studies, which proved critical to my success and for that I am sincerely grateful.

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## **Abbreviations**

|               |                                                              |
|---------------|--------------------------------------------------------------|
| <b>ACMA</b>   | Advisory Committee on Multicultural Affairs                  |
| <b>ADB</b>    | Anti-Discrimination Board                                    |
| <b>AIMA</b>   | Australian Institute of Multicultural Affairs                |
| <b>ALP</b>    | Australian Labor Party                                       |
| <b>CAAIP</b>  | Committee to Advise on Australia's Immigration Policies      |
| <b>CMC</b>    | Canadian Multiculturalism Council                            |
| <b>CMA</b>    | Canadian Multiculturalism Act                                |
| <b>CRC</b>    | Community Relations Commission                               |
| <b>EAC</b>    | Ethnic Affairs Commission                                    |
| <b>EAPS</b>   | Ethnic Affairs Policy Statements                             |
| <b>EOC</b>    | Equal Opportunity Commission                                 |
| <b>HRC</b>    | Human Rights Commission                                      |
| <b>MAC</b>    | Multicultural Advisory Council                               |
| <b>MANS</b>   | Multicultural Association of Nova Scotia                     |
| <b>MEACA</b>  | Multicultural and Ethnic Affairs Commission Act              |
| <b>MMPC</b>   | Multicultural Management Commitment Plan                     |
| <b>MPSP</b>   | Multicultural Policies and Services Program                  |
| <b>NDP</b>    | New Democratic Party                                         |
| <b>NAJC</b>   | National Association of Japanese Canadians                   |
| <b>NMAC</b>   | National Multicultural Advisory Council                      |
| <b>NSAGRR</b> | Nova Scotia Advisory Group on Race Relations                 |
| <b>NSHCH</b>  | Nova Scotia Home for Colored Children                        |
| <b>OMA</b>    | Office of Multicultural Affairs                              |
| <b>OMEA</b>   | Office of Multicultural and Ethnic Affairs                   |
| <b>OMIA</b>   | Office of Multicultural and International Affairs            |
| <b>PC</b>     | Progressive Conservative                                     |
| <b>RCA</b>    | Racial Discrimination Act                                    |
| <b>RCMP</b>   | Royal Canadian Mounted Police                                |
| <b>RSL</b>    | Returned Service League                                      |
| <b>SAEAC</b>  | South Australian Ethnic Affairs Commission                   |
| <b>SAMEAC</b> | South Australian Multicultural and Ethnic Affairs Commission |
| <b>SSRM</b>   | State Specific and Regional Migration                        |

## **Introduction**

Change can be polarizing. The uncertainty of the outcome can be daunting. Disagreement over the issue and the correct remedy almost inevitably emerge. People find comfort in the predictability of tested and proven methods, regardless of their shortcomings. Admittedly, depending on the depth and breadth of the changes contemplated, the degree of resistance will vary. But even once carried out, changes are subject to review and possibly reversals to former ways. All these factors therefore militate against the easy creation and replacement of institutions. Multiculturalism is one of the major socio-political changes to have unfolded in modern Australian and Canadian history. It represented a renewal of the prevailing conception of each country's national identity. Moreover, it meant transforming the policies upholding the national identity. In the midst of the White Australia policy, the country could boast being "more British than Britain itself", since less than 5 percent of its foreign-born population came from outside the UK and Ireland (Courier-Mail 1937), and because the state did not collect census data on "full-blood Aboriginals" until 1971, this maintained an image of cultural homogeneity. Canada kept an equally tight control of its borders given that, by 1951, the population share of non-European origin had never exceeded five percent since the census program began in 1871 (Canada 1953: 480). In the 1970s, both countries proclaimed multiculturalism as an official policy of the state and by 2016, over 250 separate ancestries were reported in their respective census (Canada 2017; Australia 2017). Thus, in the span of a few decades, each went from a conception of the nation steeped in the customs of their British – and to a lesser extent French in the case of Canada – colonial foundations, determined to hold back and suppress any cultural difference in public institutions, to recognizing and celebrating the diversity of a society transformed by immigration. The topic of the present dissertation stems from this socio-political transformation to examine how and why multiculturalism policies

emerged and changed over time in these two federations. As federations, each are composed of several constituent units (i.e. provinces, states, territories) endowed with the autonomy and capacity to form unique political communities, shaped by a combination of demographic, institutional, historical, economic, and experiential factors, which create and maintain their uniqueness (Elkins and Simeon 1980). By controlling policy creation in certain areas of jurisdiction, constituent unit governments can create a unique political environment that prompts specific expectations about government performance and service delivery, as well as concurrent conceptions of citizenship or community belonging (Henderson 2010: 441). Moreover, many of their constitutionally prescribed responsibilities have grown in importance, as citizens place higher importance on social services like health care and education, thereby elevating their role and significance on a national and global scale (Wesley 2016: xvii). In fact, constituent units are “the territorial building blocks fundamental to the political stability and legitimacy of federations” (Burgess 2013: 8). Consequently, they are *small worlds*, not far from the political culture of the larger world of the political union they inhabit, but in many ways distinct from it and persistently so (Simeon 2010: 547).

### *The Context of Change*

How power is concentrated or divided can affect the speed, direction and breadth of policy change. Federalism is one of the fundamental principles of the constitutional structure of Australia and Canada. This form of political organization gives a territorial expression to competing claims and aspirations (Hueglin and Fenna 2015: 4). Each constituent unit exercises a degree of control over matters of a local nature, such as education, policing, civil rights and labour standards. Consequently, the constitutional division of authority and responsibilities among the constituent

units of a federation can both preclude or cultivate support for change. To give an example, one of the more ardent critics of the White Australia policy was a State Premier, South Australian Labor's Don Dunstan. In January 1971, Dunstan declared that "Australia can no longer afford to be lumped with South Africa as a country basing its policies on racial discrimination" (Canberra Times 1971: 1). This was a strong charge in a country proud of its democratic institutions and belief in a fair go. After initially objecting to Dunstan's comments, public pressure began to mount during a visit from the South African rugby team and by June 1971, the Federal Australian Labor Party (ALP) inserted a clause in its electoral platform to ban discrimination on the grounds of "race or colour of skin or nationality" (Solomon 1971: 1). The ALP subsequently won the federal election and Prime Minister Gough Whitlam proceeded to initiate the dismantling of the White Australia policy. Meanwhile, sensing a lack of genuine interest on the part of the Commonwealth Government with regards to the concept of multiculturalism, Dunstan began assembling a team in his Premier's Department to develop South Australia's own policy (Lewkowicz 2008: 24). Dunstan believed a balanced intake and proper settlement services would prevent the segregation of ethnocultural communities. Instead, "the people would become Australians like other Australians but with the advantage to the rest of us that they could contribute to the development of a significant Australian culture" (Salomon 1971: 1). Hence, Mike Rann, who later served as South Australian Premier, declared Dunstan "the architect of multiculturalism" in Australia, in spite of the fact that this type of policy had "no appeal, in fact a *negative* appeal, to working-class voters" forming Labor's traditional base (Lewkowicz 2011: 23). Advocating for large-scale social and political change can therefore be a risky enterprise for elected officials. In this context, how and why different patterns of policy change occur or fail to materialize has been a persistent subject of inquiry in the political science literature. Does change appear suddenly and transform institutions, which then remain

largely intact until the next transformation? Or is change more subtle, the aggregation of several smaller incremental changes that cumulate and produce equally significant developments?

What the example of Dunstan's timely critique illustrates is that policy changes do not appear out of the blue nor are they sheltered from concurrent changes happening elsewhere. His insistent "we can no longer afford to bury our heads, ostrich-like in isolation" (Salomon 1971: 1) implicitly acknowledged a shift in global politics since the UN Declaration of Human Rights in 1948. His expressed concern to the closed-mindedness of Australia's immigration policies were matched by criticism from decolonizing states in the Asia-Pacific region. Canada was facing similar criticism, for example from the Prime Minister of the West Indies Federation, Grantley Adams, who in 1959 lobbied the Conservative John Diefenbaker government for the removal of immigration restrictions against people from the Caribbean islands who happen to also be British subjects and members of the Commonwealth (Foster 2019: 195). In Canada, advocates for immigration reform like Donald Moore and Stanley Grizzle from the Negro Citizenship Association pressured the Diefenbaker government to lift racial restrictions to residency and citizenship until most were removed in 1962 (*ibid.*: 222). Then, amid rising Quebec nationalism and a national unity crisis throughout the 1960s, calls for a Canadian policy of multiculturalism began to surface, primarily coming from politicians and civil society groups from Western provinces, like Albertan Premier Harry Strom (Alcantara et al. 2012) and Manitoban senator Paul Yuzyk (Canada 1964). As we can see, policy change is born out of these critical junctures where contention arises, and uncertainty prevails as to the right course of action. Moreover, these moments of friction and spaces of contention are multiplied in federations, with executive power and legislative representation divided between two or more orders of government.

The dissertation's systematic tracing of processes of policy change marks out the importance of the socio-political context on the timing and sequence of events. Indeed, understanding institutional change as a process requires us to identify the series of interlocking parts that carry policy change forward. Each decision that changes the institutional configuration of the policy has implications for developments further downstream. The dissertation looks to capture the contingency of those significant decisions and the causal forces driving policy change forward in a specific socio-political context through comparative case study analysis spread out over several years. We look to understand and explain how and why contexts inform action, before turning to how agents initiate change to institutions that can themselves condition and constrain the very actions and decisions of these change agents.

### *The Policy Structure*

The dissertation studies cases where governments formally adopted a policy of multiculturalism. Policies establish a set of institutional rules that represent normatively backed rights and responsibilities and must provide for their enforcement (Streeck and Thelen 2005: 12); for policies need to be implemented in order for the public to perceive them as legitimate, which also requires their enforcement by agents acting on behalf of society as a whole (*ibid.*). Policies emerge from the definition of a problem that powerful actors seek to remedy. This definition can, however, expand to reconcile multiple goods that previously seemed incommensurable (Mehta 2010: 44). These moments of expansion and contracting are part of the gradual process of institutional change that we look to understand and explain through empirically grounded theory. Policy changes can take multiple forms (Béland and Powell 2016: 136) as the processes and mechanisms driving them systematically differ according to the structure of the institutional rules, the socio-political context

in which they are situated, and the agents actively cultivating ideas for change. It is therefore not limited to episodes of sudden and major transformation that appear in a period of acute crisis. As the former US Secretary of State, Hillary Clinton, recently remarked, “the debate we sometimes have, all or nothing, is the wrong debate” (Burststein 2020: ep. 3). Rather, what it really comes down to most of the time is “how do we get something done in an environment that is very partisan, filled with powerful special interests and then keep going” (*ibid.*). Consequently, most changes can be quite subtle, occurring during long periods of relative political stability (Béland 2007: 22; Mahoney and Thelen 2010: 1). The dissertation conceptualizes how and why specific institutional rule configurations expand or restrict the degree of discretion with which actors placed in a position of authority can interpret and enforce multiculturalism policy. We highlight the contribution of independent commissions and advisory councils whose role it is to advise the minister responsible for multiculturalism on policy options, monitor activities and report on the delivery of programs and services. The objective is to show the extent to which institutions matter, how they provide opportunities for change and why they help shape certain policy outcomes. If we break with the view of institutions as stable and self-reinforcing until an external shock provokes another round of transformational change, we see the many challenges that arise from compliance issues and the coordination of multiple institutions with similar objectives vying for limited resources that can shape various causal pathways for change (Mahoney and Thelen 2010: 10). The dissertation uncovers this complex web of institutions and the concurrent commitments they look to reconcile with varying degrees of success. At the heart of the processes of policy change are an influential set of actors with contrasting interests and beliefs regarding institutional continuity that foster different patterns of change (*ibid.*: 23).

### *The Entrepreneurship of Change Agents*

While institutions provide opportunities for change by constraining political behaviour through the operation of rules as well as structuring political openings for group mobilization and the expression of interests, the motivation to carry out reforms is primarily the product of ideas and a shifting socio-political context (Lieberman 2010: 218). In other words, institutions can provide opportunity but fall short on motive (*ibid.*). Policy change is therefore more likely to appear at a moment of uncertainty about policy direction. During these critical junctures, a small group of actors whose expertise is politically influential, and who benefit from direct channels of communication with decision makers, help steer the reform process in a particular direction (Jenson and Paquet 2018: 187). It is this interaction of the ideational and institutional cycles that we look to understand and explain in our study of change agents. The dissertation presents two categories of change agents whose relationship, we argue, is central to the activation of the causal mechanisms driving forward separate processes of gradual policy change. The first category is active on the ideational front and referred to as policy entrepreneurs. These civil servants, activists, academics and interest group representatives engage in policy innovation, challenge existing paradigms, and vie for the support of politicians to translate their ideas into policies (Donnelly and Hogan 2012: 331). Returning to the example of South Australia's leading embrace of multiculturalism, George Giannoupolos recalls from his experience as one of the first civil servants hired to work on the policy in the early 1970s that Premier Dunstan "was serious about having a program, a policy and an implementation and he was also serious about setting up some government mechanism that would influence other government departments" (Lewkowicz 2008: 20-1). This meant having the "policy side and the implementation side" keeping each other informed on their respective goals and progress (*ibid.*: 26). The second category is active on the



institutional front and referred to as political entrepreneurs. These elected officials are the bridge between those advocating new policy ideas and the political institutions implementing them (Donnelly and Hogan 2012: 331). Political entrepreneurs are of a central importance for they have the authority to allocate resources to coordinate and combine factors of production to supply collective goods (Bakir and Jarvis 2017: 466). After his election to the Legislative Council in 1975, Christopher Sumner was asked by Dunstan to act as a Labor Party contact point with ethnocultural minority communities. Sumner would later emerge as a political entrepreneur for multiculturalism policy development in South Australia in his capacity as Minister of Ethnic Affairs. On the topic of the ideational and institutional nexus, Sumner found Dunstan's reforms succeeded because:

He had his ideas, they were pretty well-grounded [philosophically], he was able to develop policies from those ideas, he was able to articulate them and he was able to implement them, and he was quite prepared when necessary to be pragmatic, compromise or not press something that he knew the public wouldn't live with, but in all that he wasn't completely unprincipled. He was principled to start with, and then worked those principles through to the implementation of his ideas in a pragmatic way. (Lewkowicz 2008: 28)

Thus, although institutions may constrain the scope and speed of policy change in a shifting socio-political context, we cannot overlook the critical role of agents pressing for change either from the outside or within the institutions themselves. For in the words of former New South Wales Premier Bob Carr, "selling policy is making policy" (Carr 2018: 186). We look to uncover this relationship, where one side attempts to sell policy ideas, while the other decides which ones to select and which to discard or sideline. In doing so, we consider the significance of the timing of those decisions and the institutional settings in which they took place. Consequently, change agents are "the

intervening step through which the character of institutional rules and political context do their causal work” (Mahoney and Thelen 2010: 28). From this combination of contextual, structural, and agency-based factors, the dissertation provides a theoretical framework for tracing four gradual modes of policy change – drift, layering, conversion, and displacement – and conceptualizes the operation of the causal mechanisms – respectively, deliberate neglect, path dependency, redirection, and defection – that activate and carry each process forward.

### *Dissertation Outline*

After presenting the research puzzle, theoretical framework, and methodological considerations in chapter 1, the dissertation discusses the historical development of central and constituent unit multiculturalism policies in Australia and Canada in chapter 2. The chapter brings to light the similarities and differences in the socio-political context that gave rise to multiculturalism as well as the variety of institutional rules put in place by central and constituent unit governments to regulate their respective policies. The chronology of events also points to periods of higher intensity in terms of public debate and policy enactment. We examine these moments of fluidity, uncertainty and greater agency through the in-depth analysis of four case studies in chapters 3 to 6. The thesis of this dissertation is that multiculturalism policies in the constituent units have changed as a result of different modes of gradual institutional change, referred to as policy drift, layering, displacement and conversion. Each case study conceptualizes one of these separate processes of incremental change and explains its activation, consolidation and outcome. Tracing the causal mechanisms that produce distinct processes of change requires cultivating a sensitivity to local context best drawn from case study analysis.

It begins with the study of Nova Scotia in chapter 3 and its singular history of civil rights struggles marked by episodes of Black oppression and assertion. Indeed, multiculturalism policy emerged in this Canadian province as racial tensions were reaching a boiling point. Yet the provisions of the 1989 *Multiculturalism Act* were left silent on issues of equality and race relations. Subsequent failed attempts to amend the legislation and adapt institutions to their socio-political context represent a process of policy drift. The goal of the chapter is to explain how a policy can drift into disuse. We argue this mode of incremental change is driven by a mechanism of deliberate neglect, aided by ambiguous institutional rules and the absence of a political entrepreneur at this critical juncture. Fundamentally, the chapter critically assesses Nova Scotia's ability and willingness to make social justice a pillar of its multiculturalism policy in order to address past and present problems of racial prejudice and inequality.

This is followed-up by a study of multiculturalism policy in South Australia, a state with a history of vanguard civil rights legislation. Despite this legacy, there have been no major changes to the *South Australian Multicultural and Ethnic Affairs Commission Act* since the 1989 reform of the statute. Instead, chapter 4 shows how successive minor modifications have only reinforced the original ideas and intent of South Australia's multiculturalism policy through a process of policy layering. We argue that this mode of incremental change is driven by a mechanism of path dependence where adding layers of programs and new beneficiaries did not destabilize existing institutions, but rather consolidated the policy's initial ambitions as originally laid out by policy and political entrepreneurs at the opening of the critical juncture. The contribution of this chapter is twofold. First, it highlights the importance of timing in processes of reform, and second, it shows how the aggregation of smaller piecemeal modifications does not necessarily add up to significant

policy change. In other words, path dependant institutions are not always the result of inertia; they may in fact be the consequence of several interventions that combine to consolidate the status quo.

The fifth chapter contrasts the findings of the previous two as it examines a process of significant reform in New South Wales (NSW). We argue the actions of entrepreneurial agents looking to reform established institutional rules during a critical juncture were prompted by a mechanism of defection. Defection activates the cultivation of a new set of ideas and logic of action inside an existing institutional setting resulting in important reforms. This culminated in a process of policy displacement that established Multicultural NSW in replacement of the Ethnic Affairs Commission. The State's reform through displacement succeeded because its institutional rules made the process transparent, decentralized, and legally binding. Through public engagement, it gathered broad support for the reforms and compliance for the new policy's implementation. This chapter shows how and why significant policy change occurred when an alliance of policy and political entrepreneurship formed in the midst of a critical juncture, thereby gradually displacing former institutions to introduce new ones that cover all three multiculturalism policy dimensions of identity, social justice, and civic participation.

Despite being the last Canadian jurisdiction to enact multiculturalism legislation, British Columbia (BC) nevertheless developed the most robust institutional framework in Canada. In chapter 6, we argue that this was the result of a process of policy conversion whereby institutional rules remained formally the same but were redirected towards new purposes amidst a shifting socio-political context. Our goal is to show how ambiguous policy provisions allowed change agents to redirect Multicultural BC to new objectives without making any legislative amendments. We explain why the steady enforcement of compliance standards and third-party advice proved instrumental to conversion efforts by keeping authority figures engaged and the policy relevant to

its context at this critical juncture. Crucially, and in stark contrast to Nova Scotia, the chapter on British Columbia exemplifies a case where, from the onset, the government made social justice a central pillar of its multiculturalism policy.

We examine the tempo and direction of change in chapter 7 through a final comparison of the gradual processes of institutional change in the two federations, as we discuss the findings of the four case studies. One of the critical findings is that State governments have emerged as the main drivers of multiculturalism policy development in Australia, whereas Canadian provinces occupy a complementary, though no less crucial role, as they often adjust to central directives. These autonomous developments in Australia contrast with the dominant view of Canada's federation being more decentralized and therefore providing greater opportunity for provincial policy innovation. We explain these contrasting developments by taking a look at the differences in the context, structure and actors responsible for the expansion and contraction of multiculturalism policies in both federations. In addition to demonstrating the constituent units' crucial role in the development of multiculturalism policies in both federations, the chapter's contribution is to review the dissertation's conceptualization of the four modes of gradual policy change, and to offer a comparative explanation of their respective causal mechanisms.

In sum, constituent units have played a significant role in the development of multiculturalism policies in both federations. Their experiences capture unique and shared challenges facing multiculturalism in Australia and Canada, both the points of contention and consensus. Their largely overlooked contribution is an important oversight in the comparative policy literature. On that account, the dissertation looks to contribute to the scientific literature in a conceptual and theoretical way. As will be discussed in the first chapter, there is a tendency to focus almost exclusively on the work of central governments in comparative policy studies, to the

detriment of constituent units whose actions are often highly informative. There is also a problem of conceptual stretching in many comparative policy studies that project a level of support in places that never actually affirmed any commitment to multiculturalism. Thus, we look to contribute on the conceptual front by clarifying the meaning and scope of multiculturalism policies in places that have formally adopted such policies, while also calling attention to the critical role of constituent units in these two federations. From a theoretical standpoint, we intend to develop a step-by-step framework for tracing gradual modes of institutional change and refine our comprehension of the causal mechanisms at the heart of these processes. We want to know what activates these mechanisms and how do they interact with other contextual, structural and agency-based factors? At what point do gradual modes deviate to take on a different pathway and why do they produce separate outcomes? Through original empirical observation, we aim to show that we can certainly gain valuable insight from studying these small worlds capable of generating big change.

## Chapter 1

### The Small Worlds of Multiculturalism

In Canada, multiculturalism entered the political lexicon through the expression of a provincial Premier. Most accounts (Berry 2013: 664; Labelle 2015: 37; Rocher 2015: 36; Winter 2015: 638) date the genesis of multiculturalism back to former Canadian Prime Minister Pierre E. Trudeau's 1971 speech before the House of Commons, where he presented his government's adoption of "a policy of multiculturalism within a bilingual framework" (Canada 1971: 8545). Yet, just four months prior, at the 1971 Victoria Constitutional Conference, Alberta's Premier, Harry Strom, introduced the notion of multiculturalism during tense debates over the Canadian national identity in an attempt to raise awareness of a growing sentiment of Western alienation within the federation (Alcantara et al. 2014: 103). Despite the fact that this may have been a cunning political manoeuvre to advance the interests of his province, it nevertheless articulated a coherent plea for fairness and self-determination. In the eyes of Strom, the terms of the conference were framed in a "two-nations" (English and French) compact theory of federation, as opposed to the theory that federalism is a covenant between several equal constituent units (*ibid.*: 106). Accordingly, Western alienation revealed a similar quest for autonomy and equality, as did growing demands for recognition and inclusion by "other ethnic groups" in Canada (i.e. of non English or French background). Thus, initial deliberations over multiculturalism were formulated within the context of debates over the nature and structure of federalism.

This historical dimension of federalism's search for "unity in diversity" has been persistently overlooked in studies on multiculturalism. In the rather vast literature accumulated ever since Trudeau's statement, most studies have positioned multiculturalism within national

comparisons of citizenship and immigration policies. Few have studied multiculturalism within a federal context, despite the apparent fact that the idea was a provincial innovation. This discrepancy is symptomatic of a common problem in comparative politics, dubbed methodological nationalism. This practice normalizes the equation of society, state, and nation, thereby reifying the assumption that “states are the best or only units of observation or analysis” (Greer et al. 2015: 409). Yet constituent units in political systems are “hugely significant both *individually* and *collectively* as distinct diverse political communities in their own right” (Burgess 2013: 8). This is especially true in the case of federations, where constituent units are “the territorial building blocks fundamental to the political stability and legitimacy of federations” (*ibid.*). National comparisons that treat states as bounded and internally homogenous political units commit the same error as social scientists that fail to see ethnocultural communities as collectively distinct yet internally heterogeneous.

### *1.1 General Research Question: Federalism and Multiculturalism*

The general research question of the dissertation addresses this largely occluded aspect in the literature on multiculturalism: *to what extent does federalism affect multiculturalism policy development?* This question aims to problematize federalism’s processes of joint and separate decision-making and the resulting public policies that express both regional specificity and concurrent conceptions of political identity. A defining characteristic of federalism has been its constitutional distribution of powers between two or more orders of governments for the purpose of striking a balance between shared-rule and self-rule (Watts 2008: 83). However, these structural features of federations are not a “fixed and unalterable plan” (Burgess 2012: 145). Rather, federalism is also seen as a process with “a number of transitional phases” (*ibid.*). This process



continuously redefines the respective roles of the orders of government and the balance of power between them as ideas and actors emerge that confront the bases of political identity, authority and legitimacy (Burgess 2013: 9; Paquet 2014: 522). This dynamic of gradual and on-going institutional change is a fundamental characteristic of federations and one that directly affects multiculturalism policies over time.

For instance, while Nathan Glazer emphatically declared in 1997 “we are all multiculturalists now” (Glazer 1997), Catherine Dauvergne recently signalled the end of multiculturalism, even “in its cradle states of Canada and Australia” (Dauvergne 2016: 97). These are indeed the only two countries to have formally adopted a multiculturalism policy<sup>1</sup>, but they are also federations whose constituent units play a pivotal role in the process of implementing public policies. For that reason, the problem with this “rise and fall” debate over multiculturalism is that, firstly, it produces a type of zero-sum scenario, where researchers look to prove whether or not countries are committed to multiculturalism. It seldom considers the fact that the formation and transformation of multiculturalism policies is not unidirectional and irreversible and may delineate distinct processes of gradual policy change inside each country. In spite of these repeated and contrasting evaluations of the demise of multiculturalism (see Joppke 2004, 2014; Kymlicka 2010; Banting and Kymlicka 2013; Banting 2014; Bloemraad and Wright 2014; Korteweg and

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<sup>1</sup> This is based on the data in the Multicultural Policy Index’ “affirmation” variable. This variable measures “constitutional, legislative or parliamentary affirmation of multiculturalism at the central and/or regional and municipal levels and the existence of a government ministry, secretariat or advisory board to implement this policy in consultation with ethnic communities” (Tolley 2016: 4). According to their findings, the only countries to have formally affirmed multiculturalism are Australia, Belgium, Canada, Finland, and Sweden. However, upon closer inspection, their findings suggest that Belgium’s constituent units recognize diversity and show “evidence of an ‘interculturalism’ policy approach” (*ibid.*: 19). As for Finland and Sweden, they received a positive score based on commitments to the principles of multiculturalism in their immigrant integration policies (*ibid.*: 35 and 99). Thus, contrary to the central and regional governments of Australia and Canada, we see that none of the three other countries identified as having “affirmed” multiculturalism ever formally adopted a policy that bears the name multiculturalism (or interculturalism). This semantic nuance is important given the polarizing debates that have surrounded the term “multiculturalism,” and for the sake of conceptual clarity and precision.

Triadafilopoulos 2015), some point to a “revival” of multiculturalism policies in the constituent units of Australia and Canada (Fleras 2009: 123; Soutphommasane 2012: 38). For instance, Statistics Canada revealed that while Federal government expenditures on multiculturalism decreased by 7,75 million dollars between 2005 and 2010, overall expenditures on multiculturalism by provincial and territorial governments increased by 9,4 million dollars during the same period<sup>2</sup>. Similarly, while the Commonwealth Government of Australia abolished the Office of Multicultural Affairs and the Bureau of Immigration, Multicultural and Population Research in 1995 and 1996 (Jupp 2007: 71), each Australian State and Territory subsequently proclaimed a multiculturalism policy of their own and created institutions to oversee its functions. Consequently, multiculturalism policies in federations are subject to contrasting patterns of change, given the endless disputes over the division of power and allocation of resources among the different orders of government.

Thus, the second issue is that, as of late, researchers have mainly focused on national policies and discourse to debate the causes or effects of multiculturalism. Few (Garcea 2006; Kolet 2013; McGrane 2011) have analysed and compared multiculturalism policy and its meaning in the constituent units of federal democracies. What explains this analytical bias towards central governmental activity? Perhaps this is due to the fact that multiculturalism was introduced as a nation-building strategy (McRoberts 1997; Tavan 2013); a multiculturalism policy in the constituent units might appear to conflict with this objective or seem subordinated to the national policy. Yet, this obscures the ability of constituent units to make their own policies to either

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<sup>2</sup> While the overall budget for cultural activities increased from 3,5 to 4,2 billion dollars between 2005 and 2010, Government of Canada expenditures on multiculturalism fell steadily from 20,7 to 13 million dollars over the same 2005 to 2010 period. Public expenditures on cultural activities by provincial and territorial governments also grew from 2,4 to 3 billion dollars between 2005 and 2010. Of that share, expenditures on multiculturalism gradually increased from 16,8 million in 2005 to 26,3 million in 2010; Statistics Canada. (2012). Table 505-0003 - Federal, provincial and territorial government expenditures on culture, by culture activity. Retrieved January 3, 2018, from <http://www5.statcan.gc.ca/cansim/a26?lang=eng&id=5050003>

complement or object to the central government's policy. Multiculturalism policies in federations therefore represent relatively durable though still contested agreements, shaped by collective and concurrent processes of ideas, interest and identity formation, and as such, are always vulnerable to shifts in the political environment of each jurisdiction.

In order to capture this complexity, we seek to conceptualize and compare multiculturalism policies within a theoretical framework of gradual institutional change nested in a context of comparative federalism. The following section will provide a short overview of the literature on comparative federalism and comparisons of multiculturalism policies, before stating the specific research question. We will then present our theoretical framework and show how an emerging branch of historical institutionalist scholarship can help us develop a more rigorous understanding of multiculturalism policy change. Finally, we will state our hypothesis and explain the methodological design through which we expect to verify empirically the validity of our hypothesis and identify its contribution.

## *1.2 Discussing the Literature*

### *1.2.1 Comparing Federations*

Federalism is a mode of political organization that combines the aspirations for freedom and autonomy with the desires for unity and solidarity of its constituent units<sup>3</sup> (Laforest 2014: 116). But to achieve this a federation must also uphold a division of functions between coordinate

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<sup>3</sup> A federation is made up of two or more orders of government for the purpose of balancing regional diversity with the unity required for shared citizenship in a single country. The federal order is referred to as the central government and exercises authority over matters held in common (e.g. banks, currency, defense, citizenship, global trade, border control and transportation). The term "constituent units" is used in reference to the constitutionally recognized political entities that form a federation and because they do not all go by the same name depending on the country (e.g. provinces, states, territories, *Länder*, cantons, etc.). Constituent units exercise power over matters of a local nature and for the expression of regional interests and identities, including education, health, labour standards, civil rights and criminal justice (Atkinson et al. 2013: 105).

authorities, “authorities which are in no way subordinate one to another either in the extent or in the exercise of their allotted functions” (K.C. Wheare as cited in Burgess 2012: 35). Thus, a federation is a society in which democratic self-government is distributed in such a way that citizens “participate concurrently in different collectivities” (Tully 2001: 10). Federalism therefore makes pluralism one of its core components as a result of constitutionally divided powers among different orders of government allowing for regional policy variation (Hueglin 2013: 33). In addition, the “fusion” of the legislative and executive branches of government in parliamentary systems – like Australia and Canada – reinforces the autonomy of the legislative assemblies by assigning executive responsibilities in the same fields for which they have legislative authority (Watts 2008: 86). As a result, constituent units may produce innovative policies that exceed what the founding constitutional document had envisioned (Sayers and Banfield 2013: 187). The desire to explain the evolution of this constitutional design has lead students of comparative federalism to often focus on the causes of federation (Riker 1964; Stepan 2001; Ziblatt 2004) and subsequent factors driving the centralization or decentralization of power (Boushey and Lutdke 2006; Rodden 2004; Sayers and Banfield 2013; Turgeon and Wallner 2013; Dardanelli and Mueller 2017; Kaiser and Vogel 2017; Lecours 2017). Still constituent units are seldom considered as distinct political entities in their own right and worthy of systematic inquiry through isolated case studies or comparisons. Yet this is precisely the type of work needed to understand the distinct features of these polities with separate political systems and identities, similar though not uniform to the larger body politic of which they are also an integral part (Burgess 2013: 16). In other words, a federation is not simply the sum of its parts but a constantly negotiated partnership between its constituent entities.

For that matter, Kenneth McRoberts has argued that the Government of Canada embarked on a nation building strategy in the 1960s that attempted to conceal the historical significance of Quebec's distinctive society and claims for greater political autonomy, all in the name of national unity. Indeed, for McRoberts, the adoption of a multiculturalism policy in 1971 within a bilingual framework constituted "the heart of the new vision of Canada" (1997: 117). The author insists that in a period of emerging Quebec nationalism, Trudeau's "national unity" strategy sought undivided loyalty to Canada through a standardization of political identity based on official bilingualism, individual civil rights, multiculturalism, and the principle of equality of the provinces. What this meant for the federation was that "multiculturalism denied the cultural dualism that has always defined the basic structure of Canada" (*ibid.*: 248). Alain-G. Gagnon and Raffaele Iacovino concur with McRoberts that Quebec's understanding of federalism as a compact of nations, is what ultimately motivated the province's opposition to multiculturalism, not a denial of inclusive notions of citizenship (Gagnon and Iacovino 2005: 33-35). Moreover, the authors believe that by constructing a policy of interculturalism, the province has taken a stance that "affirms the primacy of the Quebec state in the areas of politics and identity" and expressed "opposing visions regarding Canada's constituent political communities" (*ibid.*: 28). Similarly, Christopher Alcantara and his colleagues argue that Alberta premier Harry Strom's introduction of multiculturalism in the context of the 1971 Victoria Constitutional Conference was primarily intended to address the issue of Western alienation within Confederation (Alcantara et al. 2012: 103). This challenged both Trudeau's monist strategy of nation building and Quebec's dualist conception of federation as a compact of two nations, in favour of reinforced equal provincial powers (*ibid.*: 112). Thus, competing conceptions of federation and national identity have been singularly important to the

development of multiculturalism policies in Canada, both within the federal and provincial orders of government.

The literature studying the relationship between federal society and federal state usually construes Australia as relatively homogeneous in comparison to a multinational federation<sup>4</sup> like Canada (Burgess 2006: 108; Watts 2008: 34). Although Australian federalism was not consciously devised as a response to territorially defined national or ethnocultural diversity, Nicholas Aroney and his colleagues argue that changing demographic patterns since the abolition of the White Australia policy in the 1970s “have led to significantly different sets of issues confronted by state governments” (Aroney et al. 2012: 280). As a result, the authors believe “multicultural policies in each Australian jurisdiction need to be constantly refined to take into account the unique sets of political needs and expectations that ever-shifting patterns of ethnocultural diversity generate” (*ibid.*: 288). This follows a familiar sociological line of reasoning in the “small worlds”<sup>5</sup> literature, whereby “demographic variation can create a unique context that exerts an independent impact on attitudes and behaviours.” (Henderson 2010: 441).

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<sup>4</sup> The literature on federalism increasingly designates Canada as a multinational state (Gagnon 2014: 32), as opposed to a mono- or bi-national community. This reflects the concurrent national identities that have emerged as a result of the interaction between French and British colonial settlers on land already occupied by Aboriginal peoples. Despite efforts through successive rounds of constitutional politics, Canada remains without any formal recognition of its multinational composition (Russell 2017: 423). These failed attempts at national recognition have brought scholars like Guy Laforest to argue that Quebec bears a feeling of internal exile within the federation (2014: 30).

<sup>5</sup> “Small Worlds” is a term originally used in 1980 by Richard Simeon and David J. Elkins to stress the observed regional differences in the political culture of Canadians (Simeon 2010: 545). Perhaps the most complete definition of the meaning of “small worlds” for the comparison of federations comes to us from Michael Burgess. He writes,

“Constituent units as small worlds are distinct polities with separate political systems that exhibit similar though not identical features of the larger body politic of which they are also an integral part. Consequently their subnational political cultures that mark out their unique political identities can be effectively canalized and channelled through their own written constitutions, legal systems, party systems, territorial interest group articulation and aggregation, and their media networks. In this way their sense of difference operates at the interstices of both formal and informal federal-provincial relations. This is because as small worlds they are simultaneously part of the larger world of the federation but also in some important respects distinct from it” (Burgess 2013: 16).

In addition, the development of different sectors of economic activity in Australia's constituent units has produced significant variation in terms of industrial production and labour market needs (Aroney et al. 2012: 289). But some say the constituent units' ability to set priorities and develop their own policies has been increasingly constrained by Commonwealth fiscal dominance and intervention in areas of state jurisdiction (*ibid.*: 292). In fact, States have increasingly voiced their displeasure towards a vertical fiscal imbalance and reliance on specific-purpose conditional grants that places them in a position of financial dependency towards the Commonwealth government. For, although specific-purpose payments provide financial incentives for States and Territories to take on new responsibilities and produce innovative policies, this is done at the expense of eroding State policy and program autonomy (Phillimore and Harwood 2015: 64). The federal distribution of power and fiscal resources can therefore affect the ability of constituent units to design and implement multiculturalism policies of their own. Moreover, once constituent units secure the required fiscal resources and establish formal rules with regards to multiculturalism, this may generate lasting expectations from both interest groups and the central government for the constituent unit to now be the main provider of multicultural programs and services. This argument follows a comparative-historical approach also common in the small worlds literature where, "by controlling the rules of political engagement, or by controlling policy creation in particular areas of jurisdiction, regional governments can create a unique political environment that prompts specific expectations about government performance and policy delivery" (Henderson 2010: 441). Consequently, the combination of these factors has meant that while all Australian State and Territory governments had established bodies or agencies dealing with issues of cultural diversity by the 1990s, "jurisdictions varied in their approaches and the nature of their multicultural policy structures", ranging from legislatively enshrined statutes

with mandatory monitoring and reporting requirements to non-binding declaratory policy statements (Commonwealth of Australia 2013: 104).

Finally, the literature on comparative federalism also points to the structure of intergovernmental relations as an important factor affecting policy output. Despite many similarities to their original constitutional design, unexpected differences between federations often emerge based on changing country and region-specific characteristics and power relations. Australia and Canada are indeed both federal democracies with parliamentary style government systems. However, neither country's constitution sets out any principle of comity to support intergovernmental relations (Adam et al. 2015: 140) and political parties in the different orders of government are not integrated, even when they share the same name (*ibid.*, 153). On that account, a propensity for bilateral federal-provincial exchanges has resulted in greater asymmetry between the public policies of Canadian provinces (Béland and Lecours 2013: 223; Adam et al. 2015: 141). By contrast, with the creation of the Council of Australian Governments (COAG) in 1992 and Council for the Australian Federation (CAF) in 2006, the increased engagement of State and Territory executives in multilateral government forums has facilitated greater symmetry between the public policies of Australian constituent units (Parker 2015: 51; Phillimore and Harwood 2015: 54). Ultimately, country specific federal dynamics matter in the process of public policy making.

In sum, federal institutions assign roles and responsibilities to the central and regional jurisdictions, but these are by no means set in stone. The coordination of authority along with the existence of politically salient regional identities creates space for the constituent units to act in various ways according to local priorities and resources. It also means that constituent units continuously renegotiate the terms of intergovernmental agreements and sometimes form regional alliances that contest the direction of central government policy (McGrane and Berdahl 2013: 480).



As shown in this section, the introduction of multiculturalism in Canada brought to light competing conceptions of federation and national identity from the governments of Canada, Quebec and Alberta. Thus, it appears that federalism does affect multiculturalism policies to the extent that the division of territory and distribution of authority and resources sometimes prompt the consolidation of identities and political expectations unique to the constituent units. It remains unclear, however, if the different approaches to multiculturalism policies in Australia were tied to concurrent conceptions of federation, as was the case in Canada. To further investigate this variation in both countries, we turn to comparisons on multiculturalism policies based on this understanding that federalism organizes political authority in a way that allows for different approaches to recognizing and accommodating cultural pluralism not only between countries but also within them.

### *1.2.2 Comparing Multiculturalism*

The concept of multiculturalism has acquired several definitions in public and academic debates. Our conceptualization of multiculturalism is comprised of three separate, yet closely related definitions. Each definition provides a different meaning to multiculturalism, enabling actors to make strategic use of the term in order to legitimize or discredit certain ideas and beliefs through discourse and public policy.

First, a *sociological* definition of multiculturalism is often used descriptively to point out and name an empirical fact. It makes reference to the ethnic, cultural, and religious heterogeneity of society when people from various backgrounds meet, interact and live in the same area (May 2016: 8). In the context of Australian and Canadian societies, although this diversity is comprised of the descendants of colonial settlers, Indigenous peoples and postcolonial immigration, public

officials typically invoke this conception of multiculturalism to describe a situation where there are members whose surname or physical traits are different from those of the cultural majority (Rocher 2015: 34).

Second, an *ideological* definition of multiculturalism is used prescriptively to embrace cultural diversity and express a concern for social justice. Multiculturalism, in this sense, posits normative reflections on diversity (May 2016: 8), namely a disposition towards encouraging attitudes that are respectful of diversity and the right of each citizen to share and preserve their cultural heritage, to foster intercultural dialogue and civic participation, and condemn all forms of discrimination based on cultural characteristics (Bouchard 2014: 12-15).

Third, a *political* definition entails the institutionalization of a particular conception of multicultural ideology into a set of public policies. As a form of public policy, multiculturalism seeks to recognize and “accommodate the different identities, values and practices of both dominant and non-dominant cultural groups in culturally diverse societies” (Murphy 2012: 6). Because a society’s cultural majority benefits from public institutions to preserve its culture, notably through the education system and media, public authorities must take an active role to redress these structural inequalities if they are to promote equality and limit the cultural domination of majority groups over minorities (Juteau 2015: 71). This requires formal institutions whose objectives and functions are outlined in a legislative statute or policy statement and provide government agents the regulatory, administrative, and financial resources required for the policy’s implementation and enforcement.

A list of contributions has evaluated the normative and programmatic content of multiculturalism in Canada and Australia and discussed how the policy has changed over time (see for example Fleras 2015: 328-338; Griffith 2013: 27; Ho 2013: 32-39; Leung 2011: 20-22; Piquet

2012: 68-73). The problem, however, is that we cannot measure the extent to which federalism shapes multiculturalism policies if we only focus on the activities of the central government. In fact, recent debates on multiculturalism policies have primarily focused on whether or not the era of multiculturalism has come to an end (see Banting and Kymlicka 2013; Joppke 2014; Dauvergne 2016). This debate persistently conceals the autonomy of the constituent units and their capacity to act independently. For instance, unlike the *Canadian Multiculturalism Act* (1988), Australia has yet to translate its policy into legislation. However, half of Australia's constituent units (New South Wales, Queensland, South Australia, and Victoria) have adopted their own multiculturalism legislative statute, shifting the core of multicultural policy activity from the Commonwealth to the State governments (Soutphommasane 2012: 38; Commonwealth of Australia 2013: 104). Similarly, five of the ten Canadian provinces also have a multiculturalism act of their own. This group includes the four Western provinces (Alberta, British Columbia, Manitoba, and Saskatchewan), along with Nova Scotia (Dewing 2013: 10-14). Ultimately, introducing the constituent units into the analysis not only broadens the scope of eligible cases, it acknowledges the impact these political entities have on multiculturalism policies within federations, leading to a more comprehensive view of their actual form.

As to the question of their exact form and the historical relationship between the multiculturalism policies of the constituent units with those of the central government, the literature remains inconclusive. On the one hand, Joseph Garcea argues that provincial multiculturalism policies (including Quebec's interculturalism approach) are "remarkably similar", since he finds they are largely modeled on the 1971 policy declaration and the *Canadian Multiculturalism Act* (CMA) of 1988 (Garcea 2006: 7). On the other hand, David McGrane argues that Manitoba and Saskatchewan's respective multiculturalism policies are not only distinct from

each other but also differ from the Canadian government's policy, since neither contain an anti-racism strategy (McGrane 2011: 82-3). With regards to Australia, Nicholas Aroney (2010), Leslyanne Hawthorne (2012), Tim Soutphommasane (2012), Augie Fleras (2009), and Elsa Kolehmainen (2013) all mention that some Australian States have adopted robust multiculturalism policies, but neither of them provide a detailed explanation as to how they came to that conclusion or what are the policies' defining features. Reports prepared for Australia's Parliamentary Library (Kolehmainen 2010: 20-26) and Senate Select Committee on Strengthening Multiculturalism (Commonwealth of Australia 2017: 4-5) each provide a brief summary of statutes and statements that surround state and territory multiculturalism policies in Australia, but fall short of any comparative assessment of their program output or how the various policies have changed over time. A notable exception is a 2009 report prepared for the New South Wales' (NSW) Community Relations Commission, which came to the conclusion that NSW's policy was, at the time, "the most effective example of multicultural governance that was reviewed internationally and within Australia" based on program delivery, monitoring, and reporting (Whelan 2009: 31-38: 62).

As we can see, the research contribution of the literature on multiculturalism policies in federal democracies contains two important limitations. First, attempts to problematize the relationship between society, nation, and state by comparing constituent unit multiculturalism policies remain scarce, even though scholars have demonstrated that constituent units exercise a considerable degree of authority to implement their own public policies. It is all the more surprising given the observed political salience of constituent units for articulating concurrent conceptions of federation and national identity as they relate to multiculturalism. Second, cross-case comparisons of multiculturalism policies have led to some conceptual stretching. A comparison of multiculturalism policies is a somewhat misleading exercise in the absence of a formal

multiculturalism policy. We could discuss governance structures and how they align with the principles of a multicultural philosophy (Korteweg and Triadafilopoulos 2015: 3-5). However, the practice of projecting a degree of multicultural policy commitment onto polities that never adopted a formal multiculturalism policy has been one of the most contentious issues plaguing studies like the Multiculturalism Policy Index (Duyvendack et al. 2013: 614). Australia and Canada are, according to the index, the only two countries to have formally adopted a multiculturalism policy<sup>6</sup>. However, this does not reveal the role of constituent units in the policy's implementation. It is for those two reasons – overlooked constituent units and the requirement to have enacted multiculturalism – that we set our focus onto the federations of Australia and Canada.

What then, is a multiculturalism policy, more precisely? There is, in fact, no universal template for multiculturalism policies. Much of it depends on the ideas espoused by political actors with regards to multiculturalism. Moreover, as a philosophical tradition, multiculturalism is replete with contrasting postulates<sup>7</sup>. Nevertheless, based on studies of multiculturalism policies (Tolley 2016: 4-6; Good 2009: 53-54, McGrane 2011: 82, Murphy 2012: 30-45) and government reports on the operation of their policy, Table 1.1 below delineates examples of policy outputs that fall within a constituent unit's areas of jurisdiction<sup>8</sup>. Each of these outputs cluster into three dimensions with separate overarching objectives that governments may pursue. The purpose of these policy dimensions is not to prove which jurisdiction is more or less committed to multiculturalism using aggregate scoring. Rather, they serve as an interpretative guide to help trace what kind of programs are put in place and what objectives are being pursued since the adoption of a multiculturalism

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<sup>6</sup> Refer to footnote 1.

<sup>7</sup> For a concise summary of the main philosophical strands on multiculturalism in political theory, see Paul May (2016) and Michael Murphy (2012).

<sup>8</sup> This, for example, excludes a policy dimension like the Multiculturalism Policy Index' "allows dual citizenship" indicator, as this is an exclusive federal jurisdiction.

policy. This helps the researcher identify alterations in policy outputs and resource allocation, and pinpoint the corresponding moments when these changes occurred, to ultimately trace the process by which constituent units revise their multiculturalism policy and the overall objective behind those changes. We may then deduce from the empirical evidence the extent to which there were substantial revisions to the multiculturalism policies of the constituent units during the period of study. One key aspect is to conceptualize the significance of the three policy objectives. What does it mean, for example, when a government rescinds programs related to multicultural identity and shifts resources to civic participation initiatives? Or when a government abrogates affirmative action policies and simultaneously proclaims symbolic recognition statutes? Based on what ideas do officials justify such policy changes? Our goal is to theorize the different processes of institutional change and understand the ideas, events and causal mechanisms that triggered or blocked institutional change. For that matter, the next section contains our specific research question, prepared in response to the reviewed literature on multiculturalism policies in federations. We will then examine how the historical institutional approach can provide a theoretical framework well suited to study the incremental change of multiculturalism policies using process-tracing methods in a mostly qualitative research design, before finally stating our hypothesis.

**Table 1.1 Multiculturalism Policy**

| Dimension                     | Objective <sup>9</sup>                                                                                                                                       | Examples of Policy Outputs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Multicultural Identity</b> | Foster a society that recognizes, respects and reflects a diversity of cultures such that people of all backgrounds feel a sense of belonging to the polity. | <ul style="list-style-type: none"> <li>▪ Legislative or executive affirmation of multiculturalism and the existence of a government agency tasked with policy implementation and community consultation.</li> <li>▪ Symbolic recognition of cultural minority groups' contributions to society.</li> <li>▪ Teaching of non-official heritage languages and multiculturalism in primary and/or secondary schools.<sup>10</sup></li> <li>▪ Cultural diversity representation in the mandate of public broadcasters or media licensing.</li> <li>▪ Grants and contributions to organizations and special projects to promote cultural diversity and intercultural dialogue.</li> </ul> |
| <b>Social Justice</b>         | Build a society that ensures equitable treatment and opportunity, respects the dignity of all people and combats racial prejudice.                           | <ul style="list-style-type: none"> <li>▪ Anti-discrimination laws.</li> <li>▪ Anti-racism programs.</li> <li>▪ Affirmative action in the civil service.</li> <li>▪ Official apologies and compensation for past injustices.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Civic Participation</b>    | Enable active citizens with both the opportunity and capacity to participate in the economic, political and social institutions of the polity.               | <ul style="list-style-type: none"> <li>▪ Faith-based exemptions to civic rules and accommodation measures for the provision of public services.</li> <li>▪ Translation services in non-official languages.</li> <li>▪ Immigrant integration provisions (e.g. official language training and foreign credentials equivalency programs).</li> <li>▪ Programs and activities that facilitate intercultural and interfaith dialogue.</li> </ul>                                                                                                                                                                                                                                         |

<sup>9</sup> The objectives and three policy clusters were taken from a Government of Canada annual report on the operation of the *Canadian Multiculturalism Act* (Department of Canadian Heritage 2003: 9-15).

<sup>10</sup> The decision to focus on primary and secondary education is based on the fact that they are primarily a responsibility of the constituent units as a matter of the constitutional division of powers. Therefore, the decision to include non-official heritage language courses and the teaching of multiculturalism in the standard curriculum is a decision of their respective ministry of education. The federal order of government may play a role in tertiary education through the funding of research. But unlike tertiary education, which is only for those who choose to pursue post-secondary education in a specific field of study, primary and secondary education modules apply universally to the schooling-age population.

### *1.3 Specific Research Question*

On that account of the contributions and limits within the literature on the relationship between federalism and multiculturalism, we ask the following specific research question: *how and why have multiculturalism policies changed in the constituent units of Australia and Canada?*

The purpose of this research question is to provide an original theoretical and empirical account of the independence and interdependence of multiculturalism policies in federations. The objectives of the specific research question are fourfold: 1) analyse and compare the output of multiculturalism policies in constituent units in terms of the programs and services implemented and their normative content along the three policy dimensions of *multicultural identity, social justice, and civic participation*; 2) expose the interactions between the central and constituent unit governments over multiculturalism policy objectives and funding modules; 3) trace the gradual change of multiculturalism policies in the constituent units over time; and 4) delineate the role occupied by state, civil society, and market-based actors in the monitoring and enforcement of multiculturalism policies developed by the constituent units. By responding to these four research objectives, the question allows us to provide an empirical account of *how* a multiculturalism policy attempts to structure and intervene in social relations between majority and minority cultural groups based on a discrete understanding of the role of constituent units in federations and the shared rights and responsibilities of citizenship. As we trace the process by which constituent units adopted and subsequently modified their multiculturalism policy, the question then asks that we provide a theoretical explanation of *why* such institutional change occurred. The following theoretical framework will explain how we will conceptualize multicultural policy change using a historical institutionalist approach, along with the insight of ideational analysis to operationalize cross-case comparisons within the political context of federations.



#### *1.4 Theoretical Framework: Gradual Modes of Institutional Change*

Historical institutionalism (HI) is a research tradition that examines how temporal processes and events influence the origin and transformation of institutions that govern political and economic relations (Fioretos et al. 2016: 4). Recent work in historical institutionalism has brought researchers to separate the claims of “first wave” HI from those of a “second wave” of HI theories. “First wave” HI theories typically analysed the politics of institutional change during a “critical juncture”, a relatively brief phase characterized by “the availability of different courses of action capable of affecting future institutional development” (Capoccia 2016: 92). Accordingly, these brief periods of crisis where a critical juncture emerges are triggered by “exogenous shocks” followed by radical institutional reconfigurations (Mahoney and Thelen 2010: 2). As the newly founded institutions persist over time, even after they are deemed inefficient, HI scholars explained this process through the concept of “path dependence”. This occurs when the structures of institutions are presented as the source of stability by generating “positive feedback effects”, whereby departures or deviations from an existing path becomes less likely over time (Fioretos et al. 2016: 12).

“Second wave” HI scholars challenge this sharp separation between stability and change, arguing that instead of abrupt and wholesale transformations, institutional change is in fact mainly incremental and can become “equally consequential for patterning human behaviour and for shaping substantive political outcomes” (Mahoney and Thelen 2010: 1). Recent HI research therefore offers a deeper exploration of the endogenous factors that trigger political agency when observing policy change, whereby institutions are understood as active objects of political contestation (Hall 2016: 40). As a result, rather than seeing institutions as largely unchanging

features of the political environment, we should seek to specify what kinds of institutional changes are propelled by what kinds of social processes under what kinds of political configurations (Hacker et al. 2015: 180). Furthermore, efforts to understand these slow-moving internal developments “working within and around the constraints that produce path dependence, thereby exploring the relationship between agency and structure in processes of institutional change” (Thelen and Conran 2016: 64). In sum, “second wave” HI posits that agents are situated within a socio-political context and institutional structure that shapes policy options available to them, but a context and structure which they can also affect. Institutions may constrain action but do not eliminate agency, indeed they also enable it (*ibid.*: 67).

On that account, institutional change takes multiple forms and the mechanisms that drive these processes systematically differ according to the character of institutions, the political settings in which they are situated and the forms of contention they generate (Béland and Powell 2016: 136). In an attempt to develop a theoretical model of gradual institutional change that accounts for political context, institutional characteristics and forms of contention specific to each, James Mahoney and Kathleen A. Thelen (2010) delineate four modes of institutional change: layering, drift, displacement, and conversion. These four modal-type processes of gradual institutional change will be defined and explained with greater detail in the following subsections. Before, we need to underline a notable limitation to Mahoney and Thelen’s theoretical model, as expressed by ideas scholars in HI. These authors recognize the heuristic value of Mahoney and Thelen’s typology and in some cases (Béland 2007; Béland and Powell 2016) applied it to studies on public policy change. Some nevertheless contend that Mahoney and Thelen’s theory rests upon an unacknowledged ideational foundation (Blyth et al. 2016: 158). Because subjective rule interpretation and strategic enactment of policies are core features of theories of gradual

institutional change, Mark Blyth and his colleagues argue that human cognition should form part of the explanation. This means understanding ideas as causal beliefs, and as beliefs, ideas are products of cognition (Béland and Cox 2010: 4). More importantly, ideas, which help interpret our surroundings, are causal beliefs in the sense that they “provide guides for action” (*ibid.*). Even though ideas may provide motive for action, opportunity comes from elsewhere. For Robert Lieberman, political institutions provide opportunity by “constraining political behaviour through operational rules, norms, and organizational settings, as well as by structuring political openings for group mobilization and the articulation of interests” (Lieberman 2010: 218). On the other hand, as highlighted by the concept of path dependence, institutions may provide opportunity but fall short on motive (*ibid.*). It is precisely for this reason that we wish to connect ideas and institutions to provide a more complete explanation that suggests viewing policies not as “the mechanical outcomes of institutional forces but as the results of political conflicts” (*ibid.*) in which ideas about political identity, authority and the allocation of resources among different orders of government generate policy change.

In order to identify and understand distinct processes of multiculturalism policy change, we believe ideational analysis’ focus on causal beliefs is a necessary complement to HI theories on gradual institutional change. After all, *political* multiculturalism constantly interacts with *ideological* multiculturalism. Ideas that support or discredit multiculturalism, regardless if expressed by citizens, politicians, pundits or political theorists, may have a profound impact on how policymakers perceive multiculturalism policies and the changes they should bring to them. Consequently, combining ideational and institutional analysis helps to understand why policy change occurs or fails to materialize in similar political settings such as the constituent units of

federations. In the next subsections, we provide a more detailed exploration of the four modes of institutional change.

#### *1.4.1 Policy Layering*

According to Jacob S. Hacker and his colleagues, in established democracies with extensive policies and programs, there is a range of factors that militate against the easy creation of new institutions<sup>11</sup>. As the difficulty to reform institutions increases, strategies to modify them incrementally become a relatively attractive alternative (Hacker et al. 2015: 183). The first mode of institutional change we wish to examine, policy *layering*, indeed has a strong propensity for the status quo. This typically occurs in political-institutional settings that are conducive to the creation of new policies but also contain established institutions that foster enough vested interests to resist extensive reform (Béland and Powell 2016: 137). Under these circumstances, proponents of change must work in and around established institutions and long-term expectations by adding new rules or institutions rather than dismantling the old ones altogether (*ibid.*). Changing institutions without introducing wholly new ones involves bringing piecemeal alterations through amendments, revisions, or additions (Mahoney and Thelen 2010: 16).

A process of policy layering can have two types of outcomes. First, layering can have a profound impact if the amendments alter the logic of the institution or compromise the reproduction of its original objectives (*ibid.*). Indeed, policy layering can be particularly useful in bringing slow but consequential changes to controversial or inefficient institutions by enabling policymakers to sidestep politically sensitive issues and avoid confrontation with groups with

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<sup>11</sup> Among the structural factors the authors list as likely to block reform efforts are partisan polarization, institutional rules requiring high levels of agreement, the presence of vested defenders of existing arrangements, and collective action and coordination problems (Hacker et al. 2015: 183).

vested interests (Bick 2016: 346; Lambert 2016: 159). Second, with the introduction of complementary or overlapping institutions, new categories of beneficiaries can be added to government programs without overhauling the original institution and its policy intent (Bick 2016: 345). In short, the former occurs when “one institution directly challenges another parallel institution, wearing away support for that institution” (Rocco and Thurston 2014: 44). In the latter case, the duplication of institutions serving a similar purpose reinforces the original idea of the policy by broadening its outreach and client base.

According to Mahoney and Thelen, contexts most conducive to layering are those in which “the existence of strong veto possibilities and few rule interpretation and enactment opportunities make it difficult for opposition actors to openly break or even bend the rules of an institution” (2010: 29). The context may nevertheless provide motive for actors to demand change when the rules of related policy fields are modified, or other jurisdictions of a federation revise their policy. As a result, ideas critical of the policy emerge and gain traction. However, precise rules and strong veto possibilities for those in power preclude extensive reform options. Layering therefore appears as the next best option for those seeking change or as a strategy to defuse pressure for reform by enacting amendments, revisions, or additions. There appears to be historical sequences during which some Australian and Canadian constituent units changed their multiculturalism policies by way of layering. Our objective is to provide a detailed empirical study of one such case in order to identify the causal mechanism responsible for this type of policy change. This should lead us to delineate the factors specific to the federation at study, but also help refine conceptual tools related to the process of policy layering more broadly. Likewise for the next three modes of incremental institutional change explained in the following subsections.

### 1.4.2 Policy Drift

Policy layering and policy drift are two distinct strategies of institutional change that share a similar preference for the *status quo*. Where the two differ is in how they protect formal institutions from being replaced or extensively reformed. In the case of policy layering, as shown above, change occurs through seemingly marginal amendments, revisions, or additions to existing institutions that have downstream implications for how the original institutions operate, but without discrediting its initial idea (Thelen and Conran 2016: 64). It is therefore an *active* strategy requiring the repeated intervention of policymakers to update institutions in order to ensure their compatibility with changes brought to other related policy fields or to defuse critics. Policy drift, on the other hand, is an *inactive* strategy, where failure to adapt institutions is, in fact, a matter of deliberate neglect (*ibid.*). More precisely, policy drift occurs when institutions or policies are consciously held in place while their context shifts in ways that alter their effectiveness (Hacker et al. 2015: 180). In other words, it is not simply a matter of benign neglect; rather, political actors placed in a position of authority choose not to respond to such contextual changes and it is their very inaction that causes the changed impact of the institution (Mahoney and Thelen 2010: 17). Consequently, if policy layering relies on the *de jure* strengthening or weakening of an institution, policy drift is a process of *de facto* weakening of an institution even in the absence of formal retrenchment because policies and rules have not been updated (Thelen and Conran 2016: 64).

In sum, the outcome of drift implies that institutions fail to adapt to changing social, political, or economic circumstances. Drift is furthermore evidenced by new patterns of behaviour (e.g. rise of racially motivated violence or discrimination) that possibly would not have occurred had the counterfactual condition of policy reform been met (Rocco and Thurston 2014: 47). Policies do not drift into obsolescence out of coincidence. Instead, agents in positions of authority

resist or deflect proposals to update the existing institution (*ibid.*: 45). Contrary to layering, where a series of alterations increases rule precision and therefore narrows the scope of interpretation, drift prevails when rules are left ambiguous, thereby enabling discretionary enforcement of the policy. Moreover, layering provides piecemeal adaptation to a shifting context, while drift results in a mismatch between an unaltered institutional design and a moving context. However, drift is not the only available response when rules are ambiguous, and circumstances dictate vital institutional change. The next section on policy conversion shows how policymakers can interpret ambiguous rules in creative ways to redirect institutions to new ends without altering formal rules.

#### *1.4.3 Policy Conversion*

Policy conversion is, in essence, antithetical to policy drift as a strategy of gradual institutional change. Both appear within a context of shifting circumstances that challenge a policy's ability to respond adequately to new priorities. Rules remain formally the same in both contexts but are interpreted and enacted in distinct ways. According to Mahoney and Thelen, while drift is driven by neglect in the face of a changed setting, conversion is led by "actors who actively exploit the inherent ambiguities of the institutions" (2010: 17) to redirect them towards a new purpose. This explains why in a very similar context, constituent units in a federation may opt for contrasting strategies, even if their respective formal institutions appear analogous. This subtle variation underscores the importance of agency. For, unlike drift, where attempts at updating a policy are denied, conversion occurs when political actors succeed in redirecting institutions towards purposes beyond their original intent (Hacker et al. 2015: 181). Even when lacking the capacity to rescind a policy altogether, reformists may be able to exploit ambiguities within the policy's rules in ways that "redirect it towards more favorable functions and effects" (Mahoney and Thelen 2010:

18). For Béland and Powell, conversion simply “reflects the reality that most institutions or policies allow actors working within their constraints to pursue multiple ends” (2016: 137).

In other words, public policies are always multifaceted. Yet, those multiple facets are defined in some cases more clearly than others. Policies whose provisions contain a considerable degree of ambiguity and whose enforcement depends on interpretation offer fertile terrain for the discretionary power of conversion strategies (Hacker et al. 2015: 189). In such cases, the institutional configuration of the policy provides opportunity for actors to pursue different objectives as new ideas emerge that challenge previous understandings of the policy’s main objectives. As such, strategies of conversion thrive within venues – courts, bureaucracies, commissions, and advisory councils – where the meaning of ambiguous rules is worked out (*ibid.*: 192).

In short, the outcome of policy conversion involves the differential application of policies and procedures in a given institution over time, as rules are implemented differently “on the ground” after their meaning has been manipulated by actors with discretion (Rocco and Thurston 2014: 47). This typically occurs when actors who were not part of the administration that created the formal rules redeploy them to achieve their own (sometimes very different) goals (Hacker et al. 2015: 181). This strategy may prove less politically costly than reforming or rescinding formal rules, yet just as effective. It does, however, require a set of malleable institutional rules and discretionary power to reinterpret their enforcement. For cases where formal rules do not allow such leeway, policymakers will need to take-on a different strategy, one that implies displacing formal rules for ones better suited to their emerging ideas and concerns.



#### *1.4.4 Policy Displacement*

Among the four modes of gradual institutional change theorized by Mahoney and Thelen, policy displacement is the one closest to “first wave” HI accounts on critical junctures. Indeed, the concept of displacement can share the same temporal dynamics as a critical juncture in cases where change is relatively abrupt with a “rapid, sudden breakdown of institutions and their replacement with new ones” (Mahoney and Thelen 2010: 16). These moments are characterized by a significant openness to institutional change and a range of options presents itself to reformers, though those options are typically defined and limited by antecedent conditions (Capoccia 2016: 99). The concepts of critical junctures and policy displacement therefore share a similar interest for the politics of institutional formation. These are moments of noticeable political agency that carry causal force: preferences are expressed, acts of contention and public debate take shape leading to the creation of new institutions.

Policy displacement may appear as a rather sudden break with past policies, but it is in fact the result of a long internal build-up where new institutions are introduced because supporters of the old system prove unable to prevent defection to the new rules (Mahoney and Thelen 2010: 16). Policy displacement is therefore theorized as the result of mainly endogenous developments, most common in settings where firmly entrenched institutions leave little room for discretion over their interpretation and enforcement (as opposed to conversion or drift), thereby making strategies of outright displacement a more suitable method of change (*ibid.*: 28). In addition, if the context – for example reformers control the majority of seats in the legislature – provides fewer veto possibilities to defenders of the *status quo*, they will find themselves in a disadvantaged position to counter insurgent efforts aimed at displacement (*ibid.*). What ensues is a battle of ideas over the substantive content of the policy once it becomes clear institutional change is inevitable.

In sum, policy displacement is most common in settings characterized by “low discretion and weak veto possibilities” (Mahoney and Thelen 2010: 28). What this means is that, unlike conversion or drift, existing institutional rules are clear and binding. As ideas emerge and contest the current direction of the policy, proponents of change are forced to repeal and replace rules that otherwise leave little room for interpretation. Moreover, contrary to layering, Mahoney and Thelen argue that “fewer veto possibilities means that defenders of the status quo who can be expected to resist change will not be well positioned to counter insurgent efforts aimed at displacement” (*ibid.*). As a result, formal rules are replaced, and consequential changes are brought to programs and institutions to reflect the policy’s new ideas and objectives. Having presented the main elements of our theoretical framework, the next section will state our hypothesis in conformity with our assertions on gradual institutional change.

### *1.5 Hypothesis*

Considering these observations on the structure and nature of federalism, the multiple dimensions of multiculturalism policy, and the tendency for institutions to change incrementally, we believe the actions of policymakers in the constituent units of federations deserve closer attention. These political entities have the authority to reject or implement multiculturalism within their areas of jurisdiction. This, in turn, shapes the overall configuration of multiculturalism policies throughout both federations. Exactly how and why have multiculturalism policies changed between 1989 and 2019 in the constituent units of Australia and Canada? Our hypothesis is in two parts.

*First, we argue that amid a noticeable decline in multiculturalism program expenditures of both central governments since the 1990s, constituent unit governments have become a crucial source of multiculturalism policy development in Australia and Canada.* Because many of the

economic, labour, and social policy challenges involve state/provincial or shared responsibilities (Atkinson et al. 2013: xv-xvi), *multiculturalism policies are developed and implemented in large part by constituent unit governments*. Thus, we cannot comment on multiculturalism policies in federations without paying close attention to the experiences and contributions of constituent units.

Second, *we argue that multiculturalism policies in constituent units have changed as a result of different modes of gradual institutional change, more specifically through policy layering, drift, conversion and displacement*. These incremental modes of policy change are the result of distinct processes that combine contextual, structural and agency-based factors. More precisely, *(1) a shift in the socio-political context marks the opening of a critical juncture as new ideas and demands for reform emerge; (2) institutional rules with separate compliance and enforcement standards structure reform pathways; and finally, (3) the relationship between policy and political entrepreneurs activates the causal mechanisms that consolidate the separate modes of gradual institutional change*.

The hypothesis stresses the importance of three variables: (1) critical junctures, (2) institutional rules, and (3) policy and political entrepreneurship. Crucially, we conceive *critical junctures* as periods, not events, of struggle over alternative policies (Bengtsson and Ruonavaara 2017: 51). These periods do, however, contain specific events that cultivate higher levels of fluidity and uncertainty (Capoccia 2016: 1116). When these events occur, established beliefs and institutional practices are critically examined and proposals for reform emerge. During this opening phase of the critical juncture, actors placed in a position of authority are faced with the decision of establishing rules that can open a new path of institutional development. The path taken is often hard to overturn or retract as the intensity of debate and sense of urgency to act

progressively declines. This points to the significance of the *institutional rules* set in place in this early phase of policy development.

Institutional rules are inscribed in legislation and refer to the formal requirements to perform certain functions, monitor programs, enforce compliance and report on activities. The need to enforce institutional rules carries its own dynamic of potential change, emanating from the politically contested nature of institutional rules and, more importantly, the degree of discretion left to those who must interpret and implement these rules (Mahoney and Thelen 2010: 10). Thus, “struggles over the meaning, application, and enforcement of institutional rules are inextricably intertwined with the resource allocations they entail” (*ibid.*: 11). This means that the actors who are given the task of interpreting institutional rules and coordinating their implementation play a pivotal role as there are redistributive effects to their decisions. Any given set of rules that pattern action will have implications for resource allocation and formal institutions are specifically intended to distribute resources to particular actors and not others. We see this power struggle, for example, in cases of policy layering when similar institutions simultaneously occupy similar roles, which splits resources among them rather than consolidating under one roof. There is also an important distributional element in the multicultural policy dimensions that are pursued and those that are discarded or avoided. There is a cost to adding programs and services, each have their own beneficiaries. For instance, official apologies and compensation for past injustices do not benefit the same people as language training and the recognition of foreign credentials. Policy outputs do not necessarily reflect the aspirations of any particular group but may intentionally or unintentionally favour the demands of some groups over others. Thus, because of their redistributive effects and the way they constrain the discretionary power of policymakers, institutional rules perhaps carry more causal weight than our two other variables during processes

of gradual policy change. Institutional rules shape the reform pathways within which actors placed in a position of authority look to mold or transform policy outputs. It is therefore important to situate these actors within the institutional parameters in which they operate and theorize their role in any account of policy change (Bakir and Jarvis 2017: 471).

Actors situate themselves either on the ideational or institutional front of policy change. We conceptualize this distinction through the use of two categories of actors: *policy entrepreneurs* and *political entrepreneurs*. Policy entrepreneurship is the act of *selling* policies to decision makers (Copeland and James 2014: 4). Policy entrepreneurship distinguishes itself through its desire to significantly change current ways of doing things in an area of activity (Mintrom and Norman 2009: 650). For critical junctures do not by themselves induce policy change. Change agents must exploit the opportunities created by these moments of contention. The likelihood of policy entrepreneurship is affected by key contextual and institutional factors, but ultimately comes down to what they do within those socio-political and institutional contexts (*ibid.*: 651). Policy entrepreneurs occupy a range of professions, from civil servants to academics and interest groups, often operating in the background. The foreground is occupied by political entrepreneurs, those with the authority to *select* among the various policy options presented to them. Political entrepreneurs are elected officials who invest time or other resources to coordinate the provision of public goods (Bakir and Jarvis 2017: 466). Their mediating role, between the ideational activities of policy entrepreneurs and implementation functions of institutions, is what makes them so critical to the activation the causal mechanisms that drive gradual processes of policy change. A more robust research design should include a combination of possibilities (Petridou and Mintrom 2020: 19). The advantage of our research design is that it allows, and indeed advocates for a combination of possibilities regarding the relationship between policy and political

entrepreneurship. The four modes of gradual policy change explore and reveal separate scenarios. In some cases, policy entrepreneurs are present but political entrepreneurship is absent thereby resulting in no change (i.e. drift). In other cases, a decoupling of policy and political entrepreneurship occurs in places where it previously flourished, thereby resulting in no major change to the current way of doing things (i.e. layering). There are also contexts where policy and political entrepreneurship meets, advances one another's interests and delivers significant policy change (i.e. displacement). Finally, some contexts may be particularly conducive to policy change in which we see the emergence of political entrepreneurs looking to capitalize on these opportunities and who seek the advice and support of policy entrepreneurs to achieve new ends (i.e. conversion). Each of these scenarios corresponds to a discrete relationship between policy and political entrepreneurs. This relationship is absolutely central to the activation of distinct causal mechanisms that carry forward and consolidate the separate processes of gradual policy change.

The following chapters will present the ideas for multiculturalism policy change that emerged in the context of a critical juncture; the institutional rules set in place to coordinate the interpretation and implementation of multiculturalism policies; and the policy and political entrepreneurs active throughout these separate processes of gradual policy change. We will examine how and why mechanisms of *redirection* and *deliberate neglect* enabled the province of British Columbia to gradually convert its policy of multiculturalism, while Nova Scotia failed to bring any meaningful change despite a shifting socio-political context and repeated calls for reform, thereby leaving its multiculturalism policy to drift into obsolescence. We will also show how and why the mechanisms of *path dependence* and *defection* produced contrasting incremental reforms to Ethnic Affairs Commissions resulting in a process of policy layering in South Australia as opposed to policy displacement in New South Wales. In short, exploring the combination of

contextual, structural and agency-based factors will be central to our theory on these separate modes of gradual institutional change.

### *1.6 Methodology*

The research methodology combines qualitative binary comparisons of analogous cases with within-case comparisons through systematic-process analysis. It is a comparative study of similar issues across units with clear institutional variations. Such a comparative policy study across space and time also tracks the patterns of policy evolution within countries (Boychuck 2016: 750). This allows the comparison of both the federal dynamics (i.e. autonomy of the constituent units *between* countries), as well as structured variation in the multiculturalism policies (i.e. capacity of the constituent units *within* countries) in distinct national and regional settings. This method of inquiry adheres to the ontological assumption that “assertions regarding either the uniqueness or generality of processes unfolding over time can only be empirically assessed through comparison” (*ibid.*: 754). In short, we are dealing with the genuine otherness of otherwise similar and therefore comparable societies (*ibid.*: 757).

The study adopts a research design of theory building process tracing. This method of inquiry starts from empirical observations to uncover and compare the impact of the causal mechanisms that link the independent variables (critical junctures, institutional rules, and policy entrepreneurs) to our dependent variable (multiculturalism policies) to produce a theoretical explanation (Beach and Pedersen 2013: 60-61). We conceptualize the theory of institutional change within a bounded context *spatially*, by comparing constituent units with a multiculturalism policy, and *temporally*, spanning the period 1989 to 2019. The period of study begins after the adoption of the *Canadian Multiculturalism Act* in 1988 and *National Agenda for a Multicultural*

*Australia* in 1989. Although these policies were acts of the central government, they nevertheless ushered in a new era of multiculturalism policy development in the constituent units. Both events sparked intense nationwide debates over the merits and limits of multiculturalism and a series of policy changes thereafter from both central and constituent unit governments. Thus, we look to uncover how the variables interact within a specific context to form distinctive patterns of institutional change across space and time (Boychuck 2016: 756). A method of theory building process tracing has a deductive element in that we seek inspiration from existing theoretical work on gradual institutional change to construct an original theoretical explanation of the research puzzle (Beach and Pedersen 2013: 17). It is therefore an interpretive case study where we use historical institutionalist theory to explore a particular case, with the objective of providing an evaluation and refinement of middle-range theories (Venesson 2008: 227).

The case study comparison of Australia and Canada corresponds to a most-similar systems approach. The similarities are primarily historical and institutional. Both are federations with over a century of uninterrupted democratic rule upholding a politico-juridical framework of liberal civil rights and parliamentary constitutionalism. As settler societies, they also share a legacy of European colonization, organized and selective large-scale immigration, and the forced displacement and assimilation of Indigenous peoples (Tully 1999; Dauvergne 2016). Their economies are similarly endowed with abundant natural resource commodities and a liberal (or residual) welfare state regime (Esping-Andersen 1990). Thus, the main advantage and idea behind this method that chooses societies with similar features is that it “enhances the possibility of establishing clear causal relationships, for many variables are automatically controlled” (Lecours 2001: 72).



There are also some noteworthy differences between the two cases. Although both countries are somewhat geographically isolated, Australia's large insular territory does not have to cope with the presence of a powerful US neighbour, with whom Canada shares the longest international border. But the differences that most interest us are the ones we seek to identify within their domestic borders as a result of the federal organization of territory and authority, for the object of a most-similar systems research design is to observe and understand differences that appear within the commonality. Chief among these are Canada's bijuralism<sup>12</sup> and bilingualism, whereby the civil law and common law legal traditions coexist alongside the dual official languages of French and English. A legacy of the French and British colonisation of North America, it is also a manifestation of Canada's attempts to accommodate concurrent national projects within its constitution. This comes into contrast with Australia's commitment to reproducing an exclusively British society grounded in a constitution that only observes the common law legal tradition and maintains English as its official language. Notwithstanding this, multiculturalism emerged within the clamour of voices expressing a multiplicity of desires for cultural recognition. The intercultural dialogue provoked is an ongoing process and may produce far different understandings and responses depending on the combination of territory, history, identity, and authority in which it takes place. These federations harbour small worlds that can make a big difference.

As such, our study focuses on the political activities of the constituent units of both federations. Not all constituent units will be the subject of systematic inquiry and comparison. Instead, we propose to focus on constituent units that have formally adopted a multiculturalism

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<sup>12</sup> France Allard, formerly of the General Counsel at the Department of Justice Canada, summarizes Canada's bijuralism as both "the simple co-existence of two legal traditions [civil law and common law]," and "on a more general level, the recognition of and respect for the cultures and identities of two legal traditions" (Allard 2001: 1).

policy through legal statute and granted executive responsibility to organize and oversee its implementation to a government body or independent agency. Two reasons motivate this selection bias. First, according to Joseph Garcea, these constituent units provide legitimate governmental authority for establishing various components of the organization, management, and financial support needed to advance the goals of multiculturalism (Garcea 2006: 13). The allocation of such resources should come with the requirement to monitor programs and report routinely on the outcomes of the policies. This means their government must produce documents and reports subject to archival and public publication standards that make them available to analysts and researchers. It also signifies that by presenting the orientation and results of their multiculturalism policies before parliament, these are subjected to public scrutiny and questioning on the part of members of parliament, the press, civil society groups, and concerned citizens. These combined elements of accountability and democratic deliberation offer a level of ideational exchange and administrative compliance unmatched by policy statements, whose objectives are often quite vague, generate less debate and are non-binding since they are “neither adopted nor ratified by the legislature” (*ibid.*).

Second, even with the adoption of similar formal rules and institutions, multiculturalism policies can nevertheless change in very distinct ways in separate constituent units of the same federation. Indeed, by adopting historical institutionalism’s theoretical approach to gradual institutional change, we hope to show how multiculturalism policies, even when formally codified, are never simply applied, but always interpreted and enforced by actors with divergent and conflicting interests (Conran and Thelen 2016: 66). Accordingly, we adopt James Mahoney and Gary Goertz’ “possibility principle” as the final criterion for our selection of case studies. The possibility principle holds that only cases where the outcome of interest is *possible* should be

included in the set of cases; cases where the outcome is *impossible* “should be relegated to a set of uninformative and hence irrelevant observations” (Mahoney and Goertz 2004: 653). Possible cases are those where the outcome – multiculturalism policy layering, drift, conversion or displacement – has a real possibility of occurring (*ibid.*: 654). This narrows the selection criteria to cases where the constituent unit has an official policy of multiculturalism. Otherwise, cases are declared irrelevant because the outcome of interest is impossible. Preliminary empirical evidence must also lead us to conclude that significant policy change was a real possibility given the presence of context conducive to change, institutional rules that establish an official multiculturalism policy, and actors who are forthright in their desire to change the policy. We then try to understand and explain why significant policy change occurred or failed to materialize through the exploration and conceptualization of the four modes of gradual institutional change in our theoretical framework. In other words, we are interested in cases where significant policy change appeared most likely. The contrast of cases of significant policy change with those of less significant or no change at all, despite the common possibility of significant change occurring, is what helps reveal the explanatory value of each independent variable. Irrelevant cases are those where significant policy change appeared impossible from the onset (*ibid.*: 655). Moreover, if we select on the dependent variable, as is quite common in case-oriented research (della Porta 2008: 212), we could find ourselves including cases that have a multiculturalism policy, but do not exhibit a process of gradual institutional change, either for lack of a critical juncture, no re-interpretation of the policy’s institutional rules, or the absence of policy and political entrepreneurship. Units where change on the independent variables is expected to have the same net effect on the dependent variable across these units are considered relevant (Mahoney and Goertz 2004: 660-661). Cases that fall outside

scope conditions do not meet the demands for building a theoretical explanation on incremental modes of institutional change and are therefore deemed irrelevant.

Based on those criteria, our study has selected four cases, each corresponding to a separate mode of policy change. Two of them display processes of gradual institutional change that ultimately consolidate the status quo with regards to the original objectives of their multiculturalism policy, while the other two depart from the status quo. We will begin by examining a case of policy drift in Nova Scotia. Still the only province in Eastern Canada with a *Multiculturalism Act*, this legislative statute has remained untouched since its adoption in 1989. From the moment it was enacted, however, actors in the province requested amendments to the Act that would include provisions for combating racism. Despite recurring high-profile incidents of racial discrimination against Indigenous and Black Nova Scotians, attempts to reform the province's multiculturalism policy have either been blocked or avoided, thereby leaving it to gradually drift into obsolescence. Next we will study a process of policy layering in South Australia. Despite enacting new laws and creating new institutions (e.g. the *Equal Opportunity Act* and the *Racial Vilification Act*), along with making several amendments to the *South Australian Multicultural and Ethnic Affairs Commission Act*, the State's multiculturalism policy has yet to develop provisions or establish a clear relationship with these new institutions performing similar functions for the advancement of social justice, including anti-racism and employment equity. Rather, Multicultural SA programs have consistently focused on providing grants to ethnocultural organizations and festivals to reflect a multicultural State identity, as well as providing integration services to immigrants to enable their civic participation. We then return to Canada to examine a case of policy conversion in British Columbia, whose multiculturalism policy has, by contrast, always kept a strong emphasis on combating racism. Without abandoning its commitment to anti-

racism, BC's multiculturalism policy nevertheless twice underwent a redirection when immigration settlement powers were devolved to the province in the late 1990s and attempts to forge a new relationship with Indigenous peoples was launched in the early 2000s. Finally, unlike South Australia, political leaders in New South Wales considered it necessary to repeal its *Ethnic Affairs Commission Act* and replace the legislation and institution with a new commission committed to advancing a new state policy of multiculturalism. For instance, the reforms not only granted the new agency the power to report issues of racial discrimination but also make recommendations to the Anti-Discrimination Board of NSW. We conceptualize the process of gradual institutional change that eventually led to the creation of Multicultural NSW as a mode of policy displacement.

The data used is primarily of a qualitative nature with some descriptive statistics. It consists of documentary sources including political party platforms, throne speeches, parliamentary journals (Hansards) and special committee minutes, annual reports, and other governmental and parliamentary publications. The majority of this data is publicly available on governmental and parliamentary websites, while the rest was obtained through archival records and government issued access to information requests. Secondary sources drawn from the academic literature were a valuable source of insight on the political, economic, social, and migratory contexts of the two countries and their respective constituent units. The methodology therefore privileges content analysis. The documents institutions produce encapsulate the corporate memory of the institution and give a snapshot of the most pressing issues at the time they were produced. While they may leave out certain details, especially those damaging to the institution's image, they are nonetheless more reliable sources of information than human memory. Archival research can be tedious work and becomes taxing when material is not accessible or reveals nothing of value. However, it can

also lead to some unexpected discoveries with a high potential for the production of knowledge. I experienced this feeling of discovery while rummaging through boxes filled with an assortment of letters, news clippings, briefing notes, and placemat-size tables at the national and state archives. Starting from broad search terms I explored wide-ranging collections (e.g. the Multiculturalism Directorate), which led to some unanticipated discoveries of very specific programs largely absent in the scientific literature and online (e.g. the Nova Scotia Strategy). I then followed the paper trail using more specific search terms and found previously overlooked collections. To consult restricted archived materials, I needed to lodge an access to information request and sometimes waited months for a response to finally arrive. This lengthy and methodical process nevertheless proved worth it in several instances, because it provided that missing piece of empirical evidence. These are the types of findings that make archival research an exciting and truly informative method of inquiry.

### *1.7 Contribution*

The contribution of the dissertation is twofold. First, *theoretical*: the dissertation aims to provide analytical insight and theoretical refinement to the emerging “second wave” historical institutionalist scholarship on incremental change. Stemming from the work of Mahoney and Thelen, a growing literature has provided empirical observations using some combinations of the four modal type strategies of institutional change. Some of these original accounts have compared two modes of change in a single case study with different temporal sequences (Lambert 2016); in other case studies, we have seen how a strategy of layering mitigated the effects of drift and ongoing pressures for displacement (Bick 2016), as well as observed how these three modes of policy change can succeed one another (Béland 2007); and finally others identified three modal

type strategies of change while comparing two different countries (Angellin et al. 2014). Although this is not necessarily a weakness to their research but simply reflects the empirical evidence compiled, none of these studies capture all four modal-type strategies of incremental institutional change defined in Mahoney and Thelen's theory. In fact, some argue the process of displacement is actually a "residual category" and therefore exclude it from their theoretical framework (Rocco and Thurston 2013: 39). We argue comparing all four modes of incremental change over a common public policy and period of time provides valuable empirical insight and theoretical refinement of HI theories on institutional change. Moreover, the theoretical framework of our dissertation aims to clarify the operation of the casual mechanisms driving these separate processes of incremental change. The aforementioned case studies on gradual institutional change seldom discuss the mechanisms that activate and carry forward these separate modes. Using a method of process tracing, our aim is to fill this gap in the literature by providing a clear analytical grid that bridges the link between theory and mechanistic explanation using empirical observations from a sample of comparable cases.

Second, *conceptual*: our dissertation offers an accurate conceptualization of multiculturalism policy in federal states. As shown in our literature review, studies like the Multiculturalism Policy Index (MPI; Banting 2014) or the Cultural Rights Index (Koopmans et al. 2005) treat states as monolithic entities, overlooking the agency of constituent units in federations with regards to multiculturalism policy. There is a need to interrogate and underscore the crucial role constituent units have in the development and implementation of multiculturalism policies in federations. In fact, the two countries to consistently score highest in the MPI are the federations of Australia and Canada (Tolley 2016: 3). But if we dig deeper and examine how constituent units have enacted multiculturalism policies in their own jurisdiction, we get a much more fragmented

picture than what we see from the index's measure of central government policy. Moreover, in many cases these aggregate scoring models assume the indicators are proof of multiculturalism, in spite of the fact that some of those countries never even affirmed multiculturalism and instead adopted similar policies for reasons unrelated to the recognition and accommodation of minority cultural identities (Duyvendak et al. 2013: 601). It is our belief that by studying cases that have formally enacted multiculturalism policies, we can avoid the pitfalls of conceptual stretching and arrive at a more accurate definition and rigorous understanding of how to operationalize the concept of multiculturalism in comparative work. The study of constituent units in the federations of Australia and Canada offer an ideal terrain for exploring the complexity of multiculturalism policies in diverse societies.



## Chapter 2

### A Period of National Identity Renewal

Making multiculturalism a defining feature of the polity's national identity was nothing short of a revolution for these two paradigmatic settler states. At its core, the colonial enterprise of nation building relied on careful bureaucratic racial segmentation, rigid cultural conformity, and the exclusion of undesired groups. This chapter explores the process of transforming these two federations deeply rooted in the legacy of their former British colonial administrators to a renewed national identity founded on the recognition and equitable treatment of a culturally diverse citizenry. By doing so, we uncover the historical events and former public policies of racial exclusion and assimilation that later fuelled demands in the constituent units of Canada and Australia for multicultural identity recognition, reparations for injustices committed in the past and equal opportunity to participate in civic life.

We begin by exploring how the treaty negotiation process opened up Canada's West to immigration of an unprecedented scale. This is later contrasted with the approach of British colonies declaring Australia a *terra nullius* to use settlement as a way of establishing their sovereignty over the territory and its Indigenous inhabitants. We then examine how Canada's *Immigration Act* (1910) and Australia's *Immigration Restriction Act* (1901) were central to the construction of these two paradigmatic settler states. These similar policies were employed to carefully vet prospective immigrants with the explicit aim of building a White and predominantly British society. The census' systematic categorization of subjects along racial characteristics further illustrates the racial hierarchies embedded within public institutions and permeating social life well into the 1960s. This leads us to examine the events and actors most critical to dismantling

the racially discriminatory policies and national image of both federations. Amidst the constitutional crisis experienced throughout Canada's *Royal Commission on Bilingualism and Biculturalism* (1963-1971) and the Displacement of the Gough Whitlam government by Australia's Governor-General (1975) would emerge a renewed national identity and policy of multiculturalism in both countries. We will examine the various public inquiries and Federal-State/provincial consultations that provided a first glimpse of each constituent unit's understanding of multiculturalism and willingness to implement such policies within their respective jurisdiction. We conclude by demonstrating how Australian States and Canadian provinces have played a critical role in the development of multiculturalism policy in each federation. While the sequence of these three important historical phases – the colonial legacy, renewal of the national identity, and federalization of multiculturalism – occurred almost simultaneously in both countries, we decided to discuss them separately, given the complex web of ideas, political actors and public institutions specific to each federation. We therefore begin with a detailed account of the gradual historical institutionalization of multiculturalism in Canada, before turning our attention to how a very similar process unfolded in Australia.

### *2.1 Canada's Colonial Legacy*

The first step in the process of building a multicultural Canada can be traced back to the federation's westward expansion in the early part of the 20<sup>th</sup> century. At the time of British Conquest (1763), the population of New France numbered in the 70,000 with an additional 10,000 French settlers (reduced after the expulsion of approximately 11,500 Acadians<sup>13</sup>). It was only with

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<sup>13</sup> Acadia is a former French colony established in 1604 in the territory that now makes up the Maritime Provinces of New Brunswick, Nova Scotia and Prince Edward Island. Following British conquest and fearing revolt from local militia, Nova Scotia's Lieutenant General Charles Lawrence pressed British authorities to order the deportation of the local French settlers because of their refusal to show allegiance to the British monarch. Between 1755 and 1764,

the outbreak of the American Revolution that the Loyalist movement brought British settlement on a considerable scale to the Maritime Provinces and Upper Canada (present day Ontario) (Canada 1921: xxvii). In the first recorded census following Confederation in 1867, Canada's population in 1871 numbered just over 3,6 million, of which 1,1 million resided in Quebec and 1,6 million in Ontario, while Western regions combined for a total population of a little over 109,000 (Canada 1951: 1-1).

State plans to expand colonial settlement westwards would have a lasting effect on Canada's population size and cultural heterogeneity. Volume I of the 1921 census succinctly summarized this process of major change to the profile of the population and its geographic distribution:

The unorganized territories of British North America had been ceded to the Dominion soon after Confederation, and the West had been taped and traversed by the Canadian Pacific railway in the 'eighties and 'nineties. But though western population doubled with each of these decades, it was only with the launching of a large-scale immigration movement after 1900 that Canadian western settlement and production became a world economic factor. (Canada 1921: xxvii-xxviii)

The *ceded* "unorganized territories" refers to the numbered treaties signed with the First Nations of the Prairies and northern Woodlands between 1871 and 1899 (see the green portion in the map<sup>14</sup> below). The first provision of the 11 numbered treaties declares that the Indian signatories "do

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thousands of Acadians were expelled from the region. Today, the over 300,000 French speakers that live in the region identify as Acadians (Basque 2005: 24-26).

<sup>14</sup> Government of Canada. "Maps of Treaty-Making in Canada." Indigenous and Northern Affairs Canada, August 29, 2013. <http://www.aadnc-aandc.gc.ca/eng/1100100032297/1100100032309>.

hereby cede, release, surrender and yield up to the Government of Canada [...] all their rights, titles and privileges whatsoever, to the lands included within the following limits” (Russell 2017: 184). According to Michael Ash, however, there is no evidence of this “extinguishment clause” being mentioned during treaty negotiations, nor did the Indigenous parties ever agree to cede and surrender their lands (Ash 2014: 88). Moreover, as Treaty 7 Elders put it, another crucial source of disagreement is that “the government side has privileged the written form of representation, while the First Nations side has relied (and still does) on an oral discourse” (Russell 2017: 185). As a result, in just six years’ time, as deceitful and asymmetrical were they in their negotiation tactics and power relations, the treaty process gave Canada access to the great western plains for its railway and soon to arrive immigrant settlers, “a vital part of its national dream” (*ibid.*: 188).

Thus, the issue for the colonial administrators was not so much that the lands were uninhabited; the treaties are proof of an original Indigenous presence on these lands. It was that they were inhabited by the wrong *kinds* of people and were not “organized” in the right political and economic way. The exclusive “migration of old-world peoples” under “favourable financial conditions” (Canada 1921: xxvii) would see to that change. Between 1871 and 1921, the population of Canada more than doubled, from 3,6 million to 8,7 million, of which 2,4 million immigrants settled in the Western regions (*ibid.*: 4).



The adoption of the *Immigration Act* in 1910 expanded the discretionary powers of the Governor in Council (i.e. Cabinet Ministers) to regulate immigration for the purpose of nation building. For the Act gave the Minister the exceptionally broad power to “whenever he deems it necessary” prohibit entry in Canada “of immigrants belonging to any race deemed unsuited to the climate or requirements of Canada, or of immigrants of any specified class, occupation or character” (Canada 1910: S.38(c)). The Act also gave formal status to the “continuous passage

clause”<sup>15</sup>, which barred entry to “any immigrant who has come to Canada otherwise than by continuous journey from the country of which he is a native or naturalized citizen” (*ibid.*: S.38(a)). In addition, the *Chinese Immigration Act* of 1885 was upheld, undoubtedly the most overtly racist and exclusionary law in Canadian immigration policy. Under the Act, a \$50 “head tax” was levied on all Chinese immigrants, later increased to \$100 in 1900 and \$500 in 1903. As the Act proved unable to deter Chinese immigration, which tripled from 13,000 in 1885 to 39,587 in 1921, a new *Chinese Immigration Act* passed in 1923 effectively prohibiting their entry (Chan 2017). All of these regulations and the discretionary powers vested in the hands of the Federal Cabinet had the purpose of distinguishing between *preferred*, *non-preferred* and *excluded* classes of immigrants to build a predominantly White and English Canada on lands previously occupied by Indigenous peoples.

There is perhaps no better instrument than the census to demonstrate the state’s conception of *who* belongs and the nature of those subjects on whom its authority befalls. The table in Appendix 1 taken from the 1951 census demonstrates the racial stratification embedded in Canada’s system of regulating immigration up until reforms began in the 1960s. Each individual is ascribed a single undividable identity, which are then clustered into four distinct racial categories. The first category contains the *preferred* immigration class, those of British origin. These immigrants were actively recruited, and their voyage facilitated. The second category is mainly comprised of the *non-preferred* European immigrants who were granted entry during

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<sup>15</sup> Initially enacted in 1908 through an Order-in-Council, this required immigrants to arrive to Canada in one uninterrupted passage and show proof of continuous-ticketing arrangements from their country of origin. There were no such commercial transport arrangements between Canada and India. The continuous-journey clause consequently precluded South Asian immigration, as was the intent. This is because Canada did not yet have its own *Citizenship Act*, introduced in 1947. Before then, Canadians were British subject, like many fellow subjects of the British Empire in the Indian subcontinent. In principle, they would be entitled to the same political and civil rights as the population born in Canada. But in practice, many objected to this through measures of exclusion like the continuous passage clause (Kelley and Trebilcock 2010: 150).

periods of economic growth but otherwise regulated more severely (Triadafilopoulos 2013: 15). Interestingly, even though the census has always been published in English and French in conformity with Canada's *Constitution Act, 1867*, (S.8 & S.133), we see from this categorization that French-Canadians were nevertheless regarded as simply another European origin. They did not share the preferred status of British immigrants, which is indicative of the power imbalance that long marred the relationship between the two peoples. The third category would have been the primary target of the *excluded* class, basically all immigrants from Asia. Finally, a fourth category groups together the most disenfranchised members of Canadian society: Indigenous peoples and Canadians of African descent. Of course, Indigenous peoples were not immigrants and in fact neither were most of the 18,020 African-Canadians accounted for in the 1951 census, of whom many were the direct descendants of 18<sup>th</sup> Century Black Loyalists who settled primarily in Nova Scotia and Ontario<sup>16</sup>. For as the 20<sup>th</sup> Century rolled-in, African immigrants (with the exception of White farmers) were no longer deemed "suited" to withstand the rigors of the Canadian climate and therefore prohibited by the Government from entering the country.

This brief historical overview of Canada's early immigration policies and treaty process is important to understand the context in which claims for minority identity recognition emerged. Coming to terms with a legacy of abuse and injustice towards Indigenous peoples and racialized minorities will be a central focus of our case studies on Nova Scotia and British Columbia. The next section enters a period of constitutional crisis. As Canadians questioned themselves on the nature of federalism, their new sense of nationhood and the rights and entitlements of its distinct peoples, the notion of multiculturalism made its decisive appearance on the political scene.

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<sup>16</sup> Between the 1921 and 1951 Census of Canada, the population classified under the origin "negro" stayed virtually the same. A population of 18,291 in 1921 only slightly reduced to 18,020 in 1951 (Canada 1921: 353; Canada 1951: 32-2). This population was essentially split into two: more than 8,000 lived in Ontario and over 6,000 lived in Nova Scotia (*ibid.*). No other province had an African-Canadian population anywhere close to 1 thousand people.

Westward expansion, racial exclusion and crisis over the formation of a national identity separate from the US and independent of the UK were the antecedent conditions that lead to the opening of a critical juncture in Canadian multiculturalism policy development.

## *2.2 Discrediting Dualism and Enshrining Multiculturalism*

The notion of multiculturalism entered the Canadian political arena at the moment of the Royal Commission on Bilingualism and Biculturalism (hereafter referred to as the B&B Commission). The Liberal Government of Lester B. Pearson set up the Commission in 1963<sup>17</sup> to:

inquire into and report upon the existing state of bilingualism and biculturalism in Canada and to recommend what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the two founding races, taking into account the contribution made by the other ethnic groups to the cultural enrichment of Canada and the measures that should be taken to safeguard that contribution. (Canada 1967: xxi)

From the outset it became clear to the co-chairmen André Laurendeau and Arnold Davidson Dunton that “Canada was facing a national crisis” rooted in Quebec dissatisfaction (*ibid.*: xvii). The Commission revealed persistent structural inequalities between French and English Canadians, noting, “English is the principal working language in the upper levels of business even in Quebec” whose population is primarily French (*ibid.*: xlv). Consequently, firms that provided

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<sup>17</sup> While leader of the official opposition, Pearson pleaded for an inquiry on bilingualism and biculturalism in a 1962 speech in the House of Commons. He later wrote directly to Prime Minister John Diefenbaker in May of 1963 asking for a Royal Commission in consultation with the provinces. Diefenbaker, a Progressive Conservative, was categorically opposed to dualism and a staunch advocate of national uniformity (Lapointe-Gagnon 2018: 70-71). The Commission was established in July, shortly after Pearson’s Liberals won the 1963 federal election.



most employment and had the most influence over the course of economic development in Canada as a whole were predominantly “owned and controlled by English-language interests” (*ibid.*). Recommendations stemming from the Commission would eventually lead to the adoption of the *Official Languages Act* in 1969 to improve the participation of Francophones in federal institutions and the provision of public services in French.

Throughout the inquiry, however, growing resentment towards the notion of biculturalism began to surface. These were the voices of the “other ethnic groups” referenced in the Commission’s mandate<sup>18</sup>. Chief among them was the Ukrainian-Canadian Senator Paul Yuzyk who, in his maiden speech to Parliament on March 3<sup>rd</sup>, 1964, declared the word bicultural a “misnomer”<sup>19</sup>. Yuzyk insisted “Canada never was bicultural; the Indians and Eskimos have been with us throughout history [...] and with the settling of other ethnic groups, which now make up almost one-third of the population, Canada has become multicultural in fact” (Canada 1964: 54). The Senator went on to add that in recognition of their status as founding peoples, English and French Canadians “should be regarded as senior partners whose special rights include the recognition of English and French as the official languages” (*ibid.*: 56). Finally, Senator Yuzyk affirmed that in recognition of “the potentiality and vitality of multiculturalism [...] ethnic or cultural groups should receive the status of co-partners, who would be guaranteed the right to perpetuate their mother tongues and cultures”, namely through the public-school system (*ibid.*).

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<sup>18</sup> The term “other ethnic groups” used by the B&B Commission refers to members of the population from a non-British or French immigrant background. This of course has the intended consequence of excluding the question of indigenous culture, much to the chagrin of the Commissioners. Indeed, they considered it their “duty to remind the proper authorities that everything must be done to help the native populations preserve their cultural heritage, which is an essential part of the patrimony of all Canadians” (Canada 1967: xxvii).

<sup>19</sup> Paul Yuzyk was a prominent member of Ukrainian-Canadian associations and professor of Slavic studies. During that speech on March 3<sup>rd</sup>, 1964, he confirmed having found a stenographer who could translate Ukrainian, French and English for Parliamentary committees, (Canada 1964: 50), briefly summarized the history of Ukrainian immigration to Canada (*ibid.*: 52) and recited a poem from the Ukrainian poet Taras Shevchenko (*ibid.*: 53). His advocacy for Ukrainian-Canadian heritage and culture was indeed conspicuous.

In response to Yuzyk's preoccupations and those of many liked-minded Canadians, the B&B Commission published in 1970 Book IV: *The Cultural Contribution of the Other Ethnic Groups*. Based on the numerous memoirs read and testimonies heard, an important finding was that even when Canadians of non-English or French background abandon the use of their mother tongue, "they may not have abandoned their cultural identity and aspirations" (Canada 1970: 118). This is the context in which Pierre E. Trudeau, in 1971, after replacing Pearson as Prime Minister, announced before the House of Commons the Government of Canada's adoption of a policy of multiculturalism in direct response to Book IV of the Royal Commission Report (Canada 1971: 8580). The policy contained four objectives specific to federal jurisdiction: (1) assist the development of cultural groups, (2) assist members of all cultural groups to overcome barriers to full participation in Canadian society, (3) promote encounters and interchange among all Canadian cultural groups, and (4) assist immigrants to acquire at least one of Canada's official languages (*ibid.*: 8581). Crucially, throughout the eight years of the B&B Commission, Canada repealed the *Immigration Act* to implement a universal "skills-based" admissions policy and progressively abolished the racially discriminatory elements left in its immigration regulations (Triadafilopoulos 2013: 23-24). A decade later, the 1981 census would be the first to allow multiple responses when declaring one's ethnic origins. This marked a shift in the state's conception of ethnicity from an overpowering bond inherited through patriarchal lineage towards a more subjective sense of belonging to one or more historical communities. Canada had become multicultural both in its demographic profile and public policies.

This process of national identity renewal was further cemented when the duty to preserve and enhance "the multicultural heritage of Canadians" was enshrined in the Constitution through section 27 of the 1982 *Charter of Rights and Freedoms*. Along with equality rights (section 15) to

prohibit the types of discrimination previously enforced, the new constitutional provisions strengthened the rights of the French minority (sections 16-23) and Indigenous peoples (sections 25 and 35). The *Constitution Act, 1982*, moved forward by the Trudeau government did not, however, recognize the status of Canada's distinct national societies. Yet the B&B Commission had been firmly entrenched in a dualist vision of Canada, two "founding peoples" demanding an "equal partnership" both politically and economically (McRoberts 1997: 120). This drew sharp criticism from René Lévesque's Parti québécois government who refused to sign the *Constitution Act* of 1982. Members of Quebec society criticized Trudeau's version of multiculturalism within a bilingual framework for its "dissociation of culture and language" and failure to recognize the "equality of the two founding peoples", expressed through a language and culture that make Canada unique (*ibid.*: 130). In sum, the swearing in of official bilingualism, multiculturalism, and individual civil rights was a complete renewal of Canada's national identity in two ways. It marked a definitive break with the racial discrimination of past policies and mitigated social and institutional norms of conformity to British culture and custom. However, it also denied the cultural dualism that had always defined the basic structure of Canada, irrespective of the power imbalance that would inevitably persist in a federation of mostly English-speaking provinces<sup>20</sup>. By doing so, the "national crisis" the B&B Commission attempted to avert was not only far from resolved, but perhaps more acute than ever<sup>21</sup>. Over the next decade, federal and provincial governments would each define their own conception of multiculturalism and commitment

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<sup>20</sup> As shown in Appendix 2, census data revealed the shortcomings of the *Official Languages Act* a decade after its adoption. For although the number of Canadians able to speak both English and French increased by almost 2% between 1971 and 1981, the percentage of those only able to speak English remained constant at 67%. This means the increase was mainly attributable to French Canadians learning English and not the other way around. Indeed, the percentage of those only able to speak French decreased from 18 to 16,6%, with the most significant changes occurring in New Brunswick, Nova Scotia, Ontario, Manitoba and Saskatchewan. Alberta's figures were mitigated by the influx of over 15,120 French Canadians moving to the Western province between 1976 and 1981 (Canada 1983: 12).

<sup>21</sup> The "national crisis" reached its climax a decade later when, in the 1995 independence referendum, 49,4% of Quebecers voted "Yes". The referendum had also drawn the highest turnout in Quebec's history (93,5%).

through policy output within a context of tense relations between Canada's "founding peoples" and increasingly public discontent over the treatment of Indigenous and racialized members of society.

### *2.3 Contrasting Federal and Provincial Responses to Multiculturalism*

Unsurprisingly, the first province to respond to Canada's policy of multiculturalism with its own set of programs was Alberta. After all, its premier Harry Strom had been an advocate of multiculturalism during the 1971 First Ministers' Constitutional Conference in Victoria (Alcantara et al. 2012). Consequently, in March 1973, during the second budget presentation of the Progressive Conservative (PC) Government of Alberta, Treasurer Gordon Miniely announced the establishment of a Cultural Heritage Division to "implement our policy of multiculturalism" (Alberta 1973: 12469). The new policy would involve "sharing Alberta's cultural diversity, the preservation of the cultural wealth of our past, and the stimulation of the living arts" (*ibid.*). A year later, the neighbouring province of Saskatchewan would become the first Canadian jurisdiction to enact multicultural legislation. This time, however, it was Allan Blakeney's New Democratic Party (NDP) government that would propose the adoption of the *The Saskatchewan Multicultural Act* of 1974. One of the unique features of the Act is that it provides a definition of "multiculturalism", understood as:

the preservation and development of the multicultural composition of the province and, without limiting the generality of the foregoing, includes the recognition of the right of every community, whose common history spans many generations, to retain its distinctive group identity, and to develop its relevant language and its traditional arts and sciences,

without political or social impediment and for the mutual benefit of all citizens. (*The Saskatchewan Multicultural Act*, 1974: section 2)

Even though parties on opposite ends of the ideological spectrum (left-wing NDP versus right-wing PC) enacted the two policies, they shared the same core principle as the Federal Liberal Government's policy of promoting and preserving a multicultural identity. Thus, initial support for multiculturalism in Canada's provinces was determined by regional differences more than ideological cleavages, as the Prairies<sup>22</sup> vowed their support irrespective of party affiliation and long before any other province. This was perhaps an unanticipated consequence of the immigration that formed the Western expansion of the early 20<sup>th</sup> Century. The descendants of the European immigrants were now long settled, had built churches, formed cultural associations, and were being elected to Parliament. While English and French remained the two dominant languages in Eastern Canada, as table 1 shows, French was often the third or fourth most spoken language and declared ethnic origin in the Prairie Provinces. German and Ukrainian associations were among those who had lobbied the Federal and Provincial Governments for multicultural recognition since the B&B Commission (Lapointe-Gagnon 2018: 297-303). Elsewhere in Canada, provincial support for multiculturalism was not so clear-cut, which a series of parliamentary inquiries would soon reveal.

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<sup>22</sup> Although Manitoba lagged behind its two Prairie counterparts, Howard Pawley's NDP government established the Manitoba Intercultural Council (MIC) through legislation in 1983. The MIC served as an advisory body to the Minister of Culture, Heritage and Citizenship on ethnocultural matters (Manitoba 1993: 579). The *Manitoba Intercultural Council Act* was abolished in 1993 shortly after Gary Filmon's PC Government passed *The Manitoba Multiculturalism Act*. Along with the statute, the PC Government established two institutions performing similar functions as the MIC, the Multicultural Secretariat and Multicultural Grants Advisory Council, whose members were appointed by the Minister rather than elected by the community, as was the case for MIC members. Successive NDP Governments between 2000 and 2015 would slowly reform the governance of multiculturalism in Manitoba, without amending the Act, leading to the adoption of *The Manitoba Advisory Council on Citizenship, Immigration and Multiculturalism Act* in August 2015. This demonstrates a similar form of early bipartisan support as seen in Alberta and Saskatchewan.

**Table 2.1 Language Most Spoken (1971-81)**

|                   | Alberta          |                  | Manitoba       |                  | Saskatchewan   |                |
|-------------------|------------------|------------------|----------------|------------------|----------------|----------------|
|                   | 1971             | 1981             | 1971           | 1981             | 1971           | 1981           |
| <b>Total Pop.</b> | <b>1,627,870</b> | <b>2,213,655</b> | <b>988,245</b> | <b>1,013,700</b> | <b>926,240</b> | <b>956,440</b> |
| English           | 1,477,960        | 2,029,495        | 816,560        | 872,075          | 832,515        | 887,390        |
| French            | 22,700           | 29,550           | 39,600         | 31,040           | 15,930         | 10,090         |
| German            | 29,275           | 27,485           | 39,665         | 31,540           | 18,125         | 12,940         |
| Ukrainian         | 27,240           | 17,315           | 33,950         | 19,315           | 24,865         | 14,315         |
| Indigenous        | 21,930           | 16,260           | 25,320         | 20,480           | 21,025         | 17,315         |

**Table 2.2 Single Ethnic Origin<sup>23</sup> (1971-81)**

|                                                                                                                                                                                         | Alberta          |                  | Manitoba       |                | Saskatchewan   |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------|----------------|----------------|----------------|
|                                                                                                                                                                                         | 1971             | 1981             | 1971           | 1981           | 1971           | 1981           |
| <b>Single Origin</b>                                                                                                                                                                    | <b>1,627,875</b> | <b>1,940,915</b> | <b>988,245</b> | <b>912,360</b> | <b>926,240</b> | <b>853,315</b> |
| British                                                                                                                                                                                 | 761,665          | 962,785          | 414,125        | 373,995        | 390,190        | 366,080        |
| French                                                                                                                                                                                  | 94,665           | 111,865          | 86,510         | 74,050         | 56,200         | 46,915         |
| German                                                                                                                                                                                  | 231,010          | 233,175          | 123,065        | 108,140        | 180,095        | 161,700        |
| Ukrainian                                                                                                                                                                               | 135,510          | 136,710          | 114,410        | 99,795         | 85,920         | 76,815         |
| Indigenous                                                                                                                                                                              | 44,540           | 60,010           | 43,035         | 59,925         | 40,470         | 54,720         |
| Source: Canada. "Update from the 1981 Census." Statistics Canada, April 26, 1983, p. 2-3 & 8-9; Canada. "Population. Specified Ethnic Groups." Statistics Canada, May, 1974, Table 1-1. |                  |                  |                |                |                |                |

In November 1979, a memorandum from the Government of Canada's Multiculturalism Directorate called for a "re-examination and re-assessment of the basic philosophical premises under-pining the Multiculturalism Policy" (Canada 1979: 1). This appeared in a context where debates over multiculturalism were beginning to introduce notions of equity and concerns for the growing number of racialized minorities (Fleras 2015: 332). The memo also called for institutional change where "all federal departments and agencies make conscious efforts to reflect and include

<sup>23</sup> The 1971 census did not allow respondents to select multiple ethnic origins, which only began with the 1981 census. We therefore use the "single ethnic origin" category in the 1981 census to compare with the 1971 data. Figures on ethnic origin that are higher in 1971 may reflect a fractioning into multiple ethnic origins in the 1981 census. Such intermarriage partially explains the reduced use of minority languages at home, though assimilation to society's dominant language also no doubt played a major role. Those reporting single German or Ukrainian origin nevertheless far exceed the number of people who speak the language at home showing the strength of the cultural bound despite linguistic assimilation.

Multiculturalism considerations in all plans and programs” but that “provinces must be consulted before any significant changes are made in the Federal program” (*ibid.*: 10-11). The government’s initial response came in the form of a Task Force on Multiculturalism Policy and Programs, which hired consultants<sup>24</sup> and academics<sup>25</sup> to review: (1) the philosophical premises of the policy, (2) the relationship between a Multiculturalism Policy and other policies, (3) divergent notions of ethnicity and its effects on group identity, and (4) the relationship between federal and provincial initiatives. Despite these very broad and complex terms of reference, the Task Force was only given three weeks to conduct its review, which from its own admission could not perform a comprehensive review of programs or analyse points 2 and 4 “with such severe time restriction” (Canada 1980: 1).

The incomplete study nevertheless awakened the Government of Canada to emerging ideas and concerns that provided the impetus for two subsequent parliamentary inquiries. First, during the Liberal transition from Pierre E. Trudeau to John Turner as Prime Minister, a Special Parliamentary Committee on Visible Minorities produced the 1984 report *Equality Now!* The report’s recommendations lead to the adoption of an *Employment Equity Act* two years later, which remains a central piece to the Government of Canada’s social justice initiatives<sup>26</sup>. Then, turnover

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<sup>24</sup> Chairman Gilbert H. Scott and associate Beverley Tailfeathers.

<sup>25</sup> Professors Baha R. Abu-Laban (University of Alberta) and Jamshed Mavalwala (University of Toronto).

<sup>26</sup> The *Employment Equity Act* (EEA) applies to federally regulated employers and is meant to “achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability”, which requires “special measures and the accommodation of differences” (EEA: section 2). In other words, it is an affirmative action hiring protocol with four designated target groups: women, aboriginal peoples, persons with disabilities and members of a visible minority. The latter group, members of visible minorities, is defined as “persons, other than aboriginal peoples, who are non-Caucasian in race or non-white in colour” (*ibid.*). It has since become a census category and consistently grown in population size from 1,1 million (4,7% of the Canadian population) in 1981 to over 5 million (16,5% of the Canadian population) in 2006 (Canada 2008: 12). Latest figures on the demographic profile of Canada’s federal public service indicate “representation of all four employment equity groups continues to exceed their respective workforce availability” with, for example, 16,2% of federal public servants identifying as members of a visible minority group (Canada 2018; online: <https://www.canada.ca/en/treasury-board-secretariat/services/innovation/human-resources-statistics/demographic-snapshot-federal-public-service-2016.html#toc2-2-2>)

in the 1984 election saw the Brian Mulroney lead PC come to power and establish a House of Commons Standing Committee on Multiculturalism soon after. This was an important step in Mulroney's strategy to fulfill his electoral promise of adopting a multiculturalism act (Uberoi 2016: 6). The Committee of MPs from all three federal parties (PC, Liberal, NDP) agreed that Canada's Multiculturalism Policy was "outdated, floundering and marginal" (Musto and Osborne 1987: 1). Its report, *Building the Canadian Mosaic*, produced 18 recommendations, which were submitted to regional<sup>27</sup> consultations organized by the Canadian Multiculturalism Council (CMC) to gather the provinces' reactions. Most of the recommendations focused on making multiculturalism a priority of the Government of Canada through a legislative statute and policy<sup>28</sup>, along with creating the corresponding government structures that would oversee its implementation, including a Department of Multiculturalism<sup>29</sup>. The Provinces showed general agreement with the recommendations, except those that touched on areas of provincial jurisdiction<sup>30</sup>. The only Provinces to reject some of the propositions were Quebec – who found the concept of multiculturalism too ambiguous and maintained its opposition to the "bilingual framework" of the policy – and Ontario, for whom recommendations 4 and 5 on the development of provincial and municipal multicultural policies were "really outside federal jurisdiction"<sup>31</sup>.

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<sup>27</sup> Canada has 10 provinces and 3 territories that are divided into 5 regions. Atlantic Canada is comprised of the three Maritime Provinces (New Brunswick, Nova Scotia, and Prince Edward Island) plus Newfoundland and Labrador. Central Canada contains the two largest provinces in terms of land and population size, Ontario and Quebec. The Prairie Provinces are Alberta, Manitoba, and Saskatchewan, while British Columbia represents the West Coast. Finally, the territories of Nunavut, Yukon and the Northwest Territories make up Canada's North (Canada 2012: 45).

<sup>28</sup> Recommendations 1, 2, 3, 17 and 18.

<sup>29</sup> Recommendations 6, 7, 8, 9, 10, 11, 12, 13, and 14.

<sup>30</sup> The Prairie Provinces were, for example, reluctant to accept recommendation 2, which sought, among other things, the creation of multiculturalism programs in education. This would represent an intrusion of the central government into an area of exclusive provincial jurisdiction.

<sup>31</sup> Recommendation 4 asked that, "in those provinces that do not currently have established and coordinated multiculturalism policies, provincial governments review their policies and programs and respond to the needs that exist, especially in matters which are primary responsibility of provinces". Similarly, recommendation 5 called for municipalities, "with the assistance of the Federation of Canadian municipalities, further develop multiculturalism policies to suit the needs of their communities" (Canada 1987: 7-8).



Moreover, the two Central Canadian provinces were reluctant to commit to a multiculturalism policy that could be tied to conditional grants, since it would undermine provincial autonomy in its spheres of power. At this critical moment in Canada's quest to renew its national identity, regional differences once again presented potentially lasting effects on the development of multiculturalism and the structure of federalism as resistance was primarily aimed at federal intrusion in provincial powers.

The National Chairman of the CMC eventually wrote to the Minister Responsible for Multiculturalism, David Crombie, on October 30, 1987, with a summary of the regional comments. A month later, on December 1, Bill C-93, an *Act for the preservation and enhancement of multiculturalism in Canada* was read for the first time in the House of Commons. Most of the major recommendations did not, however, make it into the *Canadian Multiculturalism Act* (CMA), assented to on July 21, 1988. The recommendations to establish a Department of Multiculturalism<sup>32</sup> and Office of the Commissioner of Multiculturalism<sup>33</sup>, create a Centre for Multiculturalism<sup>34</sup>, reconstitute the CMC into the Canadian Multiculturalism Advisory Council<sup>35</sup>, and form a permanent Council of Ministers Responsible for Multiculturalism<sup>36</sup> were all ignored. Instead, all the powers overlooking the policy's programs, monitoring and reporting were vested

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<sup>32</sup> Recommendation 6: creation of a stand-alone Department of Multiculturalism. The *Department of Multiculturalism and Citizenship Act* was nevertheless assented to later in January 1991. However, the Department's existence was short-lived when, in 1993, Jean Chrétien's Liberal Government moved the Multiculturalism program to the new Department of Canadian Heritage and the Citizenship program to the new Department of Citizenship and Immigration (Canada 2009: 17).

<sup>33</sup> Recommendation 11: establishment of an Office of the Commissioner of Multiculturalism (with similar powers and functions as the Commissioner of Official Languages) to monitor, investigate and report to Parliament on the implementation of multiculturalism throughout the Government of Canada.

<sup>34</sup> Recommendation 9: a Centre for multiculturalism to conduct research, collect data, and coordinate activities and information throughout Canada.

<sup>35</sup> Recommendation 10: a Canadian Multiculturalism Advisory Council to ensure regional representation and appoint members nominated by organizations working in the area of multiculturalism that would provide routine advice and an annual report to the Minister, who in turn would have to follow-up with a public response.

<sup>36</sup> Recommendation 15: the Council would require an annual meeting between the Federal and Provincial Ministers Responsible for Multiculturalism.

in the Minister responsible for the multiculturalism portfolio (CMA sec. 4 and 5), who reserves the right to establish or not an advisory committee (CMA sec. 7). As for the more contentious issue of intergovernmental relations, the Act did not establish any sort of requirement on the part of the provinces. Rather, their role is made optional as the Minister, or any other minister of the Crown, “may enter into an agreement or arrangement with any province respecting the implementation of the multiculturalism policy of Canada” (CMA sec. 5(2) and 6(2)).

Consequently, provinces retained the authority to act independently within their spheres of jurisdiction with no obligation to implement multiculturalism policies. Yet, as shown in table 3, most did adopt or update their respective multiculturalism policy. Evidently, the 1988 adoption of the CMA marked the opening of a critical juncture for multiculturalism policy development in Canada. Provincial commitments also reflect to some extent their level of support for multiculturalism during the regional consultations of the Parliamentary Standing Committee on Multiculturalism: every Western Province adopted a multiculturalism policy through legislation, the Maritime Provinces either proclaimed a policy or Act, while Quebec and Ontario did not adopt a policy of multiculturalism since the notion was enshrined in Canada’s Constitution in 1982.

**Table 2.3 Policies and Statutes on Multiculturalism and Interculturalism in Canada**

|      |                      |                                                                           |
|------|----------------------|---------------------------------------------------------------------------|
| 1971 | Canada               | Policy on Multiculturalism                                                |
| 1973 | Alberta              | Policy on Multiculturalism                                                |
| 1974 | Saskatchewan         | <i>Saskatchewan Multiculturalism Act</i>                                  |
| 1977 | Ontario              | Policy on Multiculturalism                                                |
| 1981 | Quebec               | Autant de façons d'être Québécois                                         |
| 1982 | Canada               | <i>Charter of Rights and Freedoms</i>                                     |
| 1982 | Ontario              | <i>Ministry of Citizenship and Culture Act</i>                            |
| 1984 | Alberta              | <i>Alberta Cultural Heritage Act</i>                                      |
| 1984 | Quebec               | <i>Loi sur le conseil des communautés culturelles et de l'immigration</i> |
| 1986 | New Brunswick        | Policy on Multiculturalism                                                |
| 1988 | Canada               | <i>Canadian Multiculturalism Act</i>                                      |
| 1988 | Prince Edward Island | Provincial Multiculturalism Policy                                        |
| 1989 | Nova Scotia          | <i>Act to Promote and Preserve Multiculturalism</i>                       |

|      |                           |                                                                                       |
|------|---------------------------|---------------------------------------------------------------------------------------|
| 1990 | Alberta                   | <i>Alberta Multiculturalism Act</i>                                                   |
| 1990 | Manitoba                  | Policy for a Multicultural Society                                                    |
| 1990 | Quebec                    | Au Québec pour bâtir ensemble                                                         |
| 1992 | Manitoba                  | <i>Manitoba Multiculturalism Act</i>                                                  |
| 1993 | British Columbia          | <i>Multiculturalism Act</i>                                                           |
| 1996 | Alberta                   | <i>Human Rights, Citizenship and Multiculturalism Act</i>                             |
| 1996 | Quebec                    | <i>Loi sur le conseil des relations interculturelles</i>                              |
| 1997 | Saskatchewan              | <i>Multiculturalism Act</i>                                                           |
| 2005 | Quebec                    | <i>Loi sur le ministère de l'immigration et des communautés culturelles</i>           |
| 2008 | Newfoundland and Labrador | Policy on Multiculturalism                                                            |
| 2008 | Quebec                    | La diversité : une valeur ajoutée                                                     |
| 2009 | Alberta                   | <i>Alberta Human Rights Act</i>                                                       |
| 2015 | Manitoba                  | <i>Manitoba Advisory Council on Citizenship, Immigration and Multiculturalism Act</i> |
| 2015 | Quebec                    | Ensemble, nous sommes le Québec                                                       |
| 2017 | Nova Scotia               | Nova Scotia's Culture Action Plan                                                     |

It is somewhat remarkable that Ontario, Canada's most populous province with more than half of the country's immigrant and visible minority population<sup>37</sup> does not have an active multiculturalism policy. In fact, when Bill Davis' Ontario PC Government introduced Bill 36, *An Act to establish the Ministry of Citizenship and Culture* in 1982, members of the NDP opposition criticized the absence of multiculturalism in the statute (Ontario 1982). Instead, the Act offered only a vague recognition of,

the pluralistic nature of Ontario society, to stress the full participation of all Ontarians as equal members of the community, encouraging the sharing of cultural heritage while affirming those elements held in common by all residents. (Ontario 1982: s.4(b))

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<sup>37</sup> The 1991 census showed over half of Canada's immigrant population resided in Ontario, while 40% of the province's population reported ethnic origins other than British or French (Canada 1994: 54). By 2006, a census bulletin on the ethnocultural profile of the country showed Ontario had a population of 2,745,200 visible minorities, more than half (54,2%) of Canada's total visible minority population and a 22,8% share of Ontario's total population (Canada 2008: 19-20). In 2016, Ontario still made up half of Canada's immigrant (51%) and visible minorities (50,6%) population ([Canada 2017](#)).

The PC's Bruce McCaffrey, who became Minister of Citizenship and Culture (1982-1983), admitted his Government had succumbed to public criticism of multiculturalism, stating he had left it out of the Act because it "evokes some strong feelings in people [...] a negative feeling about what government people mean when they talk about multiculturalism" (*ibid.*). Rather than defining the concept and its policy implications, the PC chose to simply discard it. Later, when the Ontario Liberal Party went on to form a minority government with the support of the NDP, a motion to create a separate Ministry of Multiculturalism was voted down at the 1986 Liberal caucus convention (Ontario 1986). The Premier, David Peterson, vowed to present a policy of multiculturalism for Ontario in his government's 1987 throne speech (Ontario 1987), a promise left unfulfilled. When the NDP were elected to power under Bob Rae's leadership, they adopted an *Employment Equity Act*<sup>38</sup> (1993) but avoided the topic of multiculturalism throughout their tenure (1990-1995) despite their repeated calls for a policy while in the opposition and the fact most other provinces, along with the central government, were becoming increasingly active in this policy field. The PC dominated the 1995 election, led by the populist Tory figure of Mike Harris and his campaign for a *Common Sense Revolution*, which promised a series of neoliberal measures to solve Ontario's economic problems including lowering taxes, smaller government and pro-business policies (Pinto 2013: 2).

A 1997 memorandum to the federal Minister of Multiculturalism, Hedy Fry, raised concerns about the combined redistributive effects of budget cuts under the Chrétien government's Program Review and the Harris government's austerity measures. The note prepared by a federal public servant, Kass Sunderji, of the Ontario region's Multiculturalism Program, stressed that

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<sup>38</sup> The Ontario PC Government lead by Mike Harris subsequently repealed the *Employment Equity Act* after the party's victory in the 1995 election.

“reductions, and in some cases, elimination of provincial immigrant integration and race relations programs is creating great hardship for communities that are the principle beneficiaries of the Multiculturalism Program” (Sunderji 1997: 1). Additionally, the memo commented on the shifting socio-political context in Ontario, marked by “an increase in backlash against immigrants (and multiculturalism by association) as well as hate groups (*sic*) activity” and that “there are some concerns about the (perceived) lack of action by the federal government’s (*sic*) in counteracting the rising intolerance” (*ibid.*). Clearly, at this critical phase in the development of multiculturalism policy in Canada, the prospects of a multiculturalism policy in Ontario were becoming increasingly slim due to a hostile socio-political context, the absence of any political entrepreneurship in its favour, and major cutbacks affecting a range of social policies. The memorandum to Minister Fry lamented this state of affairs in attesting that,

Since institutional change activities require substantial human and financial resources, there is concern that reduction in resources at all levels of government will undermine initiatives in this area. [...] Government cutbacks (at all levels) are eroding gains made in services for ethnic and racial minorities. (*ibid.*: 2)

Finally, under Kathleen Wynne’s Liberal Government, Ontario passed the *Anti-Racism Act* in 2017 in the wake of the Quebec City mosque shooting. The new law came with the policy statement *A Better Way Forward: Ontario’s 3-Year Anti-Racism Strategic Plan*. The document declared anti-racism “different from other approaches that focus on multiculturalism or diversity because it acknowledges that systemic racism exists and actively confronts the unequal power dynamic between groups and the structures that sustain it” (Ontario 2017: 11). By contrast, it defined multiculturalism as “the existence and state recognition of multiple cultural traditions within a

country” and a policy which in Canada affirms “the value and dignity of all Canadian citizens respectful of their ethnic, linguistic and religious differences” (*ibid.*: 54). In fact, when the notion of multiculturalism has been evoked in the Ontario Legislative Assembly, it has mostly been during the passing of bills that celebrate the heritage and contribution to the province of a certain ethnocultural community<sup>39</sup>. As such, we considered Ontario an *irrelevant* case according to our case selection criteria, because the possibility of significant policy change occurring appeared impossible given the persistent reluctance to adopt a multiculturalism policy in the province, from the 2017 anti-racism strategic plan dating all the way back to Premier Peterson’s 1987 Speech from the Throne. There are seldom cases where Ontario MLA’s conceive multiculturalism as anything other than the identity dimension of the policy. In other words, Canada’s most culturally diverse province considers multiculturalism policy inept for tackling the challenges racialized persons face.

Ontario is perhaps not alone to think this way. As a matter of fact, British Columbia’s *Multiculturalism Act* (British Columbia 1993: s.3(e)) and the CMA (Canada 1988: s.5(g)) are the only multiculturalism policies that explicitly target racial discrimination. Elsewhere in Canada, multiculturalism policies have indeed primarily focused on the multicultural identity dimension, with some immigrant settlement provisions included in Manitoba’s and Saskatchewan’s legislative statutes (Manitoba 2015: s.3(a); Saskatchewan 1997: s.4(h)). In spite of the fact that multiculturalism legislation emerged in a context of growing demands for institutional change to remove the discriminatory rules and practices affecting racialized minorities in Canada (i.e. the

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<sup>39</sup> Between 1997 and 2017, no less than 45 bills have been presented in the Ontario Legislative Assembly to celebrate the heritage of a particular community. All parties, the Liberals (21 bills), PC (15 bills), and the NDP (3 bills) have engaged in this practice, some (6 bills) were even sponsored by MLAs from rival parties. The frequency of these bills, and the fact that many were assented to, has created some confusion that perhaps undermines the significance of the gesture. For example, the month of May officially became South Asian Heritage Month in 2001, Asian Heritage Month in 2005, Dutch Heritage Month in 2011, and Jewish Heritage Month in 2012. These symbolic gestures may appeal to certain constituents but have little to no impact on institutional change or redistributive outcomes.

*Equality Now!* report), multiculturalism policy continues to be seen as little more than the symbolic recognition of society's multicultural identity. For that reason, the reluctance to include social justice and civic participation provisions in Canadian multiculturalism policies is puzzling and worthy of future research, particularly in the case of Ontario.

By the year 2000, provincial enthusiasm for multiculturalism began to wane. Successive Quebec governments have maintained their opposition to multiculturalism and produced statements further developing the province's policy of interculturalism<sup>40</sup>, despite never adopting a legislative framework in support of the policy (Rocher and White 2015). Opposition to multiculturalism in Quebec remains strong and is well documented in the scientific literature (Ryan 2010; Dobrowolsky 2017; Turgeon et al. 2019). Alberta made several alterations to its policy by first amalgamating human rights, citizenship and multiculturalism programs through the 1996 *Individual's Rights Protection Amendment Act*. Then, citizenship and multiculturalism were removed from the amended Act's title<sup>41</sup>, as it became the *Alberta Human Rights Act* in 2009, reducing its policy to a grants program through the Multiculturalism Fund controlled by the Minister. This process of piecemeal alterations certainly appears consistent with a strategy of policy layering. The province did cultivate some key political actors in support of multiculturalism, like former Premier Harry Strom and members of the German-Canadian Association of Alberta. However, Albertans also massively supported the Reform Party in the 1993 election, whose platform sought to reduce immigration and end state-supported multiculturalism (Soberman 1999:

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<sup>40</sup> This process of cultivating a distinct national identity and separate policy of interculturalism is outlined in the Secrétariat aux affaires intergouvernementales' Policy on Québec Affirmation and Canadian Relations released in 2017 under the title *Quebecers, Our Way of Being Canadian*. Released in time for the celebrations of Canada's 150 years of Confederation, the document affirms both Quebec's "identity as a nation and its attachment to Canada" (Quebec 2017: 2). According to the policy, the uniqueness of interculturalism developed in Quebec is its principle of *reciprocity*, which "aims to strike a balance between openness to diversity and continuity and vitality of Québec's distinct French-speaking identity" (*ibid.*: 69).

<sup>41</sup> Bill 24 had changed the name of the *Individual's Rights Protection Act* to become the *Human Rights, Citizenship and Multiculturalism Act* in 1996.

257). When an idea like multiculturalism generates such polarizing debate, policy layering can therefore help satisfy both parties by incrementally removing some programs and funding, while maintaining other aspects.

As for the other provinces that have adopted multicultural legislation (British Columbia, Manitoba, Nova Scotia, and Saskatchewan), neither of them has since amended their statute. How can their multiculturalism policies have changed despite unchanging institutional rules? What factors explain the different outcomes of their multiculturalism policies when what appears on the surface is stability? As will be argued in the following chapters, the critical juncture is not only crucial for the *timing* of policy pronouncements, but perhaps more importantly, the *path* it activates for the policy implementation process. It is during this phase that Governments must decide how will the rules be interpreted, which resources will be allocated, and who has the power to enforce compliance. These critical decisions will affect how institutions influence the direction, intensity and even possibility of change as the social and political context evolves. For although social change is continuous, institutional change is not automatic (Capoccia 2016: 1115). It requires the active intervention of change agents with the power and resources to alter institutions. In the coming chapters, our goal is to examine how and why do such policy entrepreneurs attain their goals in full or in part? How and why do supporters of the status quo avoid, delay or block policy reform? To uncover the factors enabling and constraining multiculturalism policy development in Canada, we will examine two provinces, British Columbia and Nova Scotia, who undertook a contrasting approach to multiculturalism policy development between the years 1988 and 2018. These distinct processes of gradual policy change bear the legacy of a critical juncture unique to each province, the constraints of their respective institutional rules, as well as the successes and failures of local change agents. Before, however, let us examine the context in which



multiculturalism emerged in Australian public policy and how a critical juncture also formed in the late 1980s with implications for the subsequent development of State multiculturalism policies in the following decades.

#### *2.4 Australia's Colonial Legacy*

The struggle to construct an Australian national identity that embraced cultural diversity also began with imperial plans for settlement on lands long occupied by people indigenous to the continent. But unlike the native peoples of North America, “it is the unhappy distinction of Australia’s Indigenous peoples alone to live in a land that came to be considered as ‘properly *territorium nullius* upon its acquisition’” (Russell 2005: 42). As we have seen, the favoured instrument of the British Crown for regularizing relations with Indigenous peoples in Canada was with the conclusion of treaties. Irrespective of the uneven power structures embedded within these arrangements, treaties reflected mutual recognition of each nation by the other, albeit an implicit recognition by the Colonial state of Indigenous peoples as organized political societies with ownership interests in the lands used and occupied (*ibid.*: 44). By the time Captain Arthur Phillip’s “First Fleet” hoisted the British flag in Botany Bay on January 18, 1788, and proclaimed sovereignty (Australia 1964: 2), North American Indigenous peoples were already the signatories to thirty treaties (Russell 2005: 44). By contrast, first encounters with native populations in the Antipodes reported a continent sparsely populated by “very timid, ill-armed, and backward people” (*ibid.*: 69). These observations did not so much suggest that the land was totally bare of human presence, but a *terra nullius* in the sense that a colonial project “would encounter no serious resistance from the local population” (*ibid.*: 70). The colony of New South Wales<sup>42</sup> was thus

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<sup>42</sup> As the territory of New South Wales was divided into separate colonies, the same logic of conquest through settlement applied to the creation of Tasmania (1825), Western Australia (1829), South Australia (1834), Victoria

treated as an uninhabited territory acquired by settlement soon as ships carrying over a thousand British subjects, most of them convicts, arrived in Port Jackson on January 26, 1788 (*ibid.*). Henceforth, the legal basis for land ownership was the leasing or sale of Crown land by the Colonial governments (Jupp 2018: 42). The settlers and Indigenous populations made no treaties. The former often acquired land by “squatting” illegally before formalizing their tenure, while the latter had no rights in this system of land allocation (*ibid.*).

British convicts formed the majority of the settlers in the first 40 years of the new colonies (Castles 1991: 1). But in 1830, the Colonial Governments, “eager to attract free settlers” (*ibid.*), began developing “assisted passage” schemes for people of the British Isles by offering grants to cover transportation costs and sometimes plots of land upon arrival. The discovery of gold in the newly founded colony of Victoria triggered a large influx of migrants to Australia, roughly 600,000 in the 1850s. Assisted passages caused a second immigration peak in the 1880s until economic recession and environmental drought halted immigration from 1890 to 1911 (*ibid.*; Australia 1964: 278; Macintyre 2016: 132-133). Such trying times provided the Colonies the impetus needed for a political union. Consequently, on July 9, 1900, “the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth” (Australia 1900: preamble). The *Constitution Act* granted the Parliament of the Commonwealth powers to make laws with respect to “the people of any race, other than the aboriginal race in any State, for whom it is deemed necessary to make special laws” (s. 51(xxvi)), in addition to naturalization (s. 51(xix)) and immigration (s. 51(xxvii)). The country’s founding document therefore authorized differential treatment based on race.

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(1851) and Queensland (1859) as the Colonial Office extended its reach to the southern and western edges of the continent.

One the first major pieces of legislation adopted by Parliament was the *Immigration Restriction Act* of 1901. This marked the formal institutionalization of the White Australia policy, a Commonwealth immigration policy whose essential selection criterion was based on colour and origins (Jupp 2018: 25). Although the Act did not explicitly list national origins prohibited from entering Australia, it is precisely the high degree of discretionary power given to the Minister and those in charge of enforcing the Act that made it such an effective instrument of exclusion. For prospective immigrants could be prohibited entry if “likely in the opinion of the Minister or an officer to become a charge upon the public or upon any public charitable institution” (Australia 1901: s.3(b)). More importantly, officers were given the power to ask any prospective immigrant to “write out at dictation [...] a passage of fifty words in length in a European language directed by the officer” (*ibid.*: s.3(a)). Rather than assess English language competency, the dictation test in *any language* of the officers’ choice was primarily used to justify the exclusion of non-European or unwanted immigrants<sup>43</sup>. Additionally, shipping companies were liable to a penalty for transporting immigrants to Australia that failed to meet the requirements of the dictation test and obliged to return failed entrants at their expense (*ibid.*: s.9). This meant the enforcement of the Act’s discriminatory provisions was also extended to private shipping companies thousands of miles away from Australia’s coasts. The *Pacific Island Labourers Act of 1901*, on the other hand, did explicitly target a racialized group of people previously hired to work in Queensland’s sugar plantations. Most of the Pacific Islanders were deported back to the New Hebrides or the Solomon Islands by 1906 (Jupp 2018: 24). Having exercised autonomous controls over immigration as Colonies before federation, by 1920 all immigration powers had been transferred from the States to the Commonwealth government (*ibid.*: 30). Aboriginal affairs were left with State governments,

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<sup>43</sup> For example, a dictation test was given to Maltese immigrants in Dutch, which they inevitably failed (Richards 2009: 68), even though Dutch proficiency could be of very little use to them in Australia.

of whom none showed any opposition to White Australia (*ibid.*: 25). Consequently, federation and the centralization of immigration in Australia resulted in a stronger capacity to select and deny immigrants based on racial characteristics. The tables in appendix 3 taken from census bulletins shows the clear dichotomy in the Commonwealth government's selection of immigrants along a racial based line that separated White Europeans from non-Europeans. In fact, during debates over the *Immigration Restriction Act*, Alfred Deakin, who helped draft the Constitution and was Australia's second Prime Minister, argued "the unity of Australia is nothing, if that does not imply a united race" (Macintyre 2016: 146). Thus, between the 1830s and the 1980s, Australia and its former Colonies were among the only industrialized societies to consistently use public funds to recruit immigrants and assist their settlement<sup>44</sup> to serve the country's nation-building objectives (*ibid.*: 29). Non-British European arrivals granted permanent residency (mainly Germans, Italians, Greeks and Scandinavians) mostly paid their own voyage and initial accommodation (*ibid.*). Hence, by the 1930s, Australia earned the distinction of being "more British than Britain itself" (Courier-Mail 1933: 21)<sup>45</sup>. Finally, between 1911 and 1967, in each annual census bulletin was the inscription "all statistics exclude full-blood Aboriginals". The census is a critical instrument of statecraft and democratic representation. Public infrastructure, social expenditures and the demarcation of electoral ridings are all planned according to census data on the location and density of the population on whom taxes can be levied. To be excluded from the census means that

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<sup>44</sup> After severally curtailing immigration during the Great Depression of the 1930s and wartime period of the 1940s, assisted passages peaked in 1949, comprising 70.9% of all permanent arrivals. In the years that followed, from 1950 to 1970, 46,5% of all permanent arrivals benefited from government assistance (Australia 1971: 56). Between 1947 and 1982, over a million Britons emigrated to Australia, the majority through an assisted passage scheme that cost a mere £10 for adults, and all children travelling for free. In keeping with the White Australia policy, the program was set-up as part of Australia's "populate or perish" initiative and placed emphasis on the need to attract the British, receiving funding from the UK and Australian governments (Pullen 2014).

<sup>45</sup> As reported at the time by Brisbane's *Courier-Mail*, "ninety-nine percent of Australia's population comprises British subjects and 92 percent, represents undiluted British stock" (Courier-Mail 1933: 21). Apparently the "purity of this stock in Australia" (*ibid.*) was greater than in Britain itself.

you are subjected to the State's authority but denied the means of representation to shape its decisions. Until the Constitutional provisions excluding "aboriginal natives" from the census was repealed by referendum in 1967<sup>46</sup>, Indigenous Australians were conceived as objects of policy rather than political subjects in their own right.

In sum, until the second half of the 20<sup>th</sup> Century, Australia's national identity was deeply rooted in the country's British colonial legacy and a singularly draconian approach to building a nation expecting congruency between its territorial borders and ethnic composition. Evidently, the fiction of this White Australia Policy was confronted to the reality of a sizable Aboriginal and Asian population largely predating the *Immigration Restriction Act* still present on its territory. Despite the Commonwealth government's best efforts to deny it – most notably by excluding Indigenous peoples from the census – Australia's cultural diversity would eventually demand formal acknowledgement. The next section will examine how and why this dedicated pursuit of an unattainable idea of racial uniformity began to unravel, and what that meant for the Federation's conception of national identity and the policies of the different orders of government towards previously excluded and marginalized peoples.

### 2.5 Dismantling the White Australia Policy

In the wake of the Second World War, immigration from Britain was in decline and so Australia's first Immigration Minister, Arthur Caldwell, devised the Displaced Persons Scheme in 1947 to

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<sup>46</sup> The procedures for amending the Constitution Act require submitting the proposed changes to a national referendum. In May 1967, in a referendum called by the Liberal-Country Party coalition government of Harold Holt, 90.7% of Australian's voted in favour of repealing section 127 of Australia's Constitution (Peters-Little 2010: 75). Section 127 stipulated "in reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted" (Australia 1964: 22). The referendum also removed references in section 51(xxvi) that discriminated against Aboriginal people (Peters-Little 2010: 75). Aboriginals were officially included in the Australian population in the 1971 census, the first census to be conducted after the repeal of section 127.

facilitate the entry of 170,000 eastern European refugees (Macintyre 2016: 207). With the success of the program, Caldwell signed immigration agreements with a host of European countries, including previously excluded nationalities from southern Europe (Tavan 2013: 43). But as the Commonwealth government adopted the *Australian Citizenship Act* in 1948, Ben Chifley's Labor government remained nevertheless committed to restricting non-White immigration and to the assimilation of those arriving from mainland Europe (Macintyre 2016: 2007). The incremental process of removing discriminatory immigration rules ironically began under the Robert Menzies Liberal government, himself a staunch monarchist and supporter of White Australia (*ibid.*: 217-218). His government most notably repealed the *Immigration Restriction Act* and its antiquated dictation test, replaced by the *Migration Act* in 1958. After the horrors of the Holocaust committed in the name of fascist ideology and with the independence of many former African and Asian colonies, Australian officers of the Department of External Affairs were becoming the subject of constant criticism and ridicule during international summits and diplomatic talks (Tavan 2010: 113). In addition to these external pressures, domestically, opinion polls were beginning to show majority support for liberalization of immigration policy by 1966 (Richards 2008: 207). That same year, Menzies' retirement proved a turning point as his replacement, Harold Holt, signed the *International Convention on the Elimination of Racism*, introduced reforms to admit larger numbers of non-European immigrants, and removed elements in the Constitution that discriminated against Indigenous Australians (Macintyre 2016: 235). More importantly, Holt's Minister of Immigration, Hubert Opperman, along with senior bureaucrats from his Department established dialogue with Labor Party officials, members of the Commonwealth Immigration Advisory Council and other interest groups before submitting the changes to Cabinet (Tavan 2010: 117). Consequently, the reforms, which removed discriminatory immigrant selection and

naturalization provisions, were unanimously endorsed by the Parliament on 29 March 1966 (*ibid.*). Even though the intention was not yet to dismantle White Australia, it nevertheless broke the political consensus that conceived the nation as racially pure and created an opening for further liberalization of immigration from outside Europe.

Ultimately, it was the Australian Labor Party (ALP) and its new leader Gough Whitlam that would take the decisive step towards finally putting a term to the White Australia policy. Despite resistance from the Party's old guard – most notably former Immigration Minister Arthur Caldwell – Whitlam succeeded in passing a motion at the 1971 Federal ALP Conference calling for the “avoidance of discrimination on any grounds of race or colour of skin or nationality” (*ibid.*: 119). Labor's victory in the 1972 election ended 23 years of successive Coalition governments and confirmed that Whitlam's rejection of White Australia was warranted after all. Al Grassby was named Immigration Minister and made it his personal vocation to rid the Commonwealth of any vestiges of the dreaded policy, calling for its definitive end in 1973. Assisted passage for non-Europeans was expanded, a Structured Selection Assessment points selection system for immigrants was introduced, some restrictions for overseas students wishing to stay in Australia were removed, along with the *Australian Citizenship Act* (1973) simplifying access to citizenship and removing privileges to British subjects (*ibid.*: 120; Moran 2017: 34). Finally, the Whitlam government adopted the *Racial Discrimination Act* (RDA) in 1975, thereby officially making it unlawful “for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin” (Australia 1975: s.9(1)). In the absence of a Constitutional bill of rights, the RDA remains one of the principle legal guarantees of a right to equality before the law.

Admittedly, Gough Whitlam can take credit for dismantling the White Australia policy. However, he did not champion multiculturalism as an idea nor was his government responsible for introducing Australia's policy of multiculturalism (Moran 2017: 34). It was the Liberal government of Malcolm Fraser who took office amidst a constitutional crisis and subsequently made multiculturalism one of the singular achievements of his government. Whitlam did assert the notion that Australia had become a "multicultural nation" during his October 1975 speech to launch the Office of the Commissioner for Community Relations headed by Al Grassby (*ibid.*: 36). Removed from power shortly after, it was his bitter conservative rival that would translate the concept of multiculturalism into policy. The next section will examine how multiculturalism policy emerged in the Commonwealth and the factors explaining the mixed reactions it received in Australia's constituent units.

## *2.6 Contrasting Commonwealth and State Responses to Multiculturalism*

The oil crisis set off by the Yom Kippur War in late 1973 triggered a global economic recession, directly effecting Australia's trade deficit and resulting in high inflation. The Whitlam government attempted to reduce inflation by presenting a contractionary budget while unemployment was soaring to historic levels by 1975 (Macintyre 2016: 246). The conservative Opposition, which had control over the Senate, responded with a bold strategy of delaying passage of the supply bills in the upper house by voting its deferral in an attempt to force the Government's resignation (Archer and Graham 1976: 143). The deadlock lasted close to a month ending when, on November 11, 1975, the Governor-General, Sir John Kerr, dismissed the Prime Minister and commissioned the Liberal Opposition leader Malcolm Fraser to the role of "caretaker Government" (Howard 1976: 23). The decision called for a double dissolution of Parliament and election in December 1975.



The Dismissal was the most serious constitutional crisis in Australian history, with even letter bombs addressed to Fraser and Kerr discovered in the weeks that followed (Archer and Graham 1976: 146; Macintyre 2016: 247). Despite its intensity, the crisis was brief and Fraser won his bargain as Australians elected the Liberal/Country Coalition to the largest majority in the Commonwealth's history. The Fraser government immediately increased immigration levels in an attempt to help Australia's economic recovery and established the new Department of Immigration and Ethnic Affairs, along with an Ethnic Affairs Unit in the Department of the Prime Minister and Cabinet (Moran 2017: 38). Thus, in spite of the bitterness of their rivalry, Malcolm Fraser acted rapidly and decisively to consolidate the immigration reforms initiated by Gough Whitlam (Tavan 2013: 52).

The most significant step in the direction of consolidating the Australian Government's transition from a policy of assimilation to multiculturalism was the commissioning of barrister Frank Galbally, in May of 1977, to conduct a review "to examine and report on the effectiveness of the Commonwealth's programs and services for those who have migrated to Australia" (Australia 1978a: attachment I, p. 1). The *Review of Post-Arrival Programs and Services to Migrants* (henceforth referred to as the Galbally Report), released in May 1978, contained an entire chapter dedicated to "multiculturalism" (chapter 9) and instantly became the founding document of multiculturalism in Australia (Jupp 2011: 48). The Fraser Government supported the Review's recommendations and committed to their full implementation within three years (Australia 1978: 2728). Its principle achievements were greater access to English language teaching for migrant adults and their children, the dismantling of the Good Neighbour Councils run by predominantly white Anglophones replaced by Migrant Resource Centres to involve local and ethnocultural communities in the migrant settlement sector, the creation of the Federation of Ethnic

Communities Councils of Australia, the expansion of the Special Broadcasting Service radio and television services to all States (*ibid.*: 2729-2731; Tavan 2013: 55). But as noted by the Assistant Secretary and Ethnic Liaison Officer of the Welfare Services Branch, A. Kern, in a “Galbally follow-up” memo to the PM and Cabinet, “approximately 19 recommendations relate to the States and many others have implications for the States. All States are likely to have difficulties with the cost sharing aspects, further delaying implementation” (Australia 1978b: 1). From the earliest stages of development, the Commonwealth Government was acutely aware of the fact that State cooperation would prove absolutely necessary to a successful renewal of Australia’s national identity around the political affirmation of multiculturalism.

While Galbally was conducting his review, the State of New South Wales (NSW) was undertaking a similar exercise on the request of its Labor Premier, Neville Wran. In fact, the idea of promoting the “integration of different ethnic groups” and avoiding “discrimination on the basis of ethnic origin” was the object of legislation in NSW two years before the Galbally report, when State legislators passed the *Ethnic Affairs Commission Act* in 1976 (NSW 1976: s.14(b) and 15(2)). According to James Jupp, “the Commission’s 1978 report, *Participation*, became the most influential State-level strategy [for migrant settlement services] in parallel with the national Galbally report of the same year” (Jupp 2007: 66). The *Participation* report led to a repeal of the 1976 law, replaced by the *Ethnic Affairs Commission Act 1979*, which provided more staff, resources and responsibilities to the Commission. Fundamentally, *Participation* sought to conceptualize multiculturalism as representing more than cultural preservation, to focus instead on civic participation and non-discrimination (EAC 1978: 1). Furthermore, the Report asserted that “far more than the Commonwealth, the State Government deals with matters which directly affect the lives of people every day” (*ibid.*), including unemployment and labour standards, education,

language training and translation services (*ibid.*: 2-4). Several months later, the Commonwealth government established the Australian Institute of Multicultural Affairs (AIMA) through legislation in November of 1979. The two organizations had similar research and reporting functions but conveyed subtle differences in their conception of cultural diversity. The objectives of the Ethnic Affairs Commission were to encourage the participation and inclusion of the people “comprising ethnic groups in the community” of New South Wales “consistently with the recognition of their different cultural identities” (New South Wales 1979: s.15(a)(b)). By contrast, AIMA did not suggest the same type of binary opposition between the “normal” cultural identities of some (presumably Anglo-Celtic) Australians and the “ethnic” group identity of others. In fact, its objectives were primarily focused on promoting cross-cultural interaction and mutual understanding (Australia 1979: s.5), thereby avoiding essentializing cultural minorities in the manner done by the NSW legislation.

Meanwhile, multiculturalism was also gathering support among activists within the Victorian ALP (Lopez 2000). The gradual processes of crafting a multiculturalism policy for the State of Victoria began in 1976 with the *Ministry of Immigration and Ethnic Affairs Act*. This was, in fact, the first State-based legislation in Australia to give statutory recognition to a Ministry concerned with immigrant and ethnocultural minorities (Victoria 2017). With this legislative statute, the State took over the selection functions of British immigrants through private and state sponsorship schemes – the administration of non-British immigration and settlement of British migrants remained a federal competence – as the Commonwealth government looked to the States to take new responsibilities (*ibid.*). However, in the aftermath of the Galbally report and Commonwealth reforms of Australian immigration policies in the early 1980s, the limited immigration functions the State of Victoria had obtained were transferred back to the central

government. In spite of this, Victorian legislators decided to create a new institution in response to the changing demographics of the State by adopting the *Ethnic Affairs Commission Act* in 1982 under John Cain's Labor government. The main focus of the Commission was to enhance access to government services and encourage equal opportunity in the social, economic and political life of Victoria. The State's Ethnic Affairs Commission also had the task of ensuring "all ethnic groups in the community can retain and express their social identity and cultural inheritance" (Victoria 1982: s. 13(c)). This cultural preservation provision was, at the time, unique among Australian constituent units.

Following the example of New South Wales and Victoria, two other State legislatures created an Ethnic Affairs Commission in the early 1980s. By then, South Australia (SA) had already built up a reputation of vanguard policy reform regarding social justice and civil rights. The key figure was Labor MP Don Dunstan, Premier of SA in 1967-68 and 1970-79. As Attorney General and the State's first Minister of Aboriginal Affairs, Dunstan based himself on North American land treaties to enact the *Aboriginal Lands Trust Act* in 1966, which set up an independent body to hold land titles in trust for Aboriginal peoples in SA (Woolacott 2016: 470). That same year, he also enacted the *Prohibition of Discrimination Act*, well before the White Australia policy was abolished and nearly a decade before the *Racial Discrimination Act*. Before illness forced his resignation in 1979, Dunstan's impact reached beyond his State. His legacy in Australian politics remains one of having transformed "the public image of State governments and their powers of reform" (*ibid.*: 462). Dunstan refused to see States as subordinated to the Commonwealth, seeing them rather as an "essential means of achieving social justice, especially in the distribution of wealth" (Mack 2008: 9). When the Liberal Party won the 1979 SA elections with a narrow one-seat majority, it was in this context of social progress that David Tonkin's

conservative government enacted the *South Australian Multicultural and Ethnic Affairs Commission Act* in 1980. The Commission's main function was to advise and assist the Government and public institutions on "matters relating to the advancement of multiculturalism and ethnic affairs" (South Australia 1989: s.12(b)).

The fourth and final State to establish an Ethnic Affairs Commission was Western Australia, in 1983, under the Labor Government of Brian Burke. The objectives of the *Multicultural and Ethnic Affairs Commission Act* (MEACA) – recognition of diversity, participation of minorities, equal access to public services, cultural preservation, and social cohesion – were largely similar to those of the other States. The legislative statute did not, however, provide a definition of "multiculturalism", as the term "multicultural" only appears in the title of the Act and Commission, much like the 1980 version of the SAMEAC Act. The functions and composition of the Commission also appear largely modeled on those of the New South Wales (1979) and Victorian (1982) Ethnic Affairs legislative statutes. Western Australia's MEACA nevertheless contained a unique provision of crucial importance: a "sunset clause". Indeed, the very last section of the MEACA sets out that on the eight-year mark of the Acts coming into force, "the Commission shall cease to exist" (Western Australia 1983: s.21(1)). The section adds, "the Governor, should the occasion so require, may make regulations providing in all respects for the orderly and proper winding up of the Commission's affairs" (*ibid.*: s.21(2)). The passive language of the provision (i.e. "should the occasion so require") suggests legislators were expected to revise the statute or pass a new law before the Act's expiration. This, however, did not occur despite the fact that Labor was still governing and on December 22, 1991, Western Australia's MEACA had the peculiar fate of being effectively nullified by the passage of time, not a formal legislative repeal. Western Australia's multicultural policy subsequently drifted into disuse simply because

State legislators proved incapable or unwilling of updating existing institutions. In fact, the only amendments brought to the Act were a series of marginal changes – such as inserting a definition of “Commissioner” in a 1986 amendment bill. The government’s failure to revise its policy was decried by local organizations, such as the Ethnic Communities Council of Western Australia (ECCWA). The ECCWA’s president, Ramdas Sankaran, recently remarked that it was indeed “wishful thinking on the part of our parliamentarians to expect that within 8 years the aforementioned objectives would be achieved” (ECCWA 2016). Whatever the reasons that may have motivated the inclusion of section 21 to the MEACA, the failure to update the legislation before or after its cancellation should not be viewed as just a missed opportunity, but as a deliberate political decision.

Meanwhile, Tasmania’s response to PM Fraser for Commonwealth-State cooperation in reference to the Galbally Report showed concerns at the cost sharing aspects of the reforms (Australia 1978: 17). The small insular State did not adopt a statutory body for ethnic affairs or multiculturalism, waiting until 1992 to establish its Advisory Council on Multicultural Affairs (Koleth 2010: 25). The main resistance to multiculturalism came, however, from the conservative leader of Queensland, Joh Bjelke-Petersen (Jupp 2011: 48). As leader of the Country Party, and therefore less compelled to harmonize his policies with those of either the Australian Liberal or Labor parties, the Bjelke-Petersen government continued to fund the Good Neighbour Council in Queensland for years to reassert its objection to the multicultural objectives of the Fraser government (Jupp 2018: 142).

Malcolm Fraser was re-elected in 1980 allowing his Government to press on with the implementation of the Galbally Report’s recommendations, especially since he named his former Senior Advisor and Liberal activist Petro Georgiou as Director of AIMA. However, AIMA became

the target of criticism after its 1981 evaluation of the Galbally Report's implementation. Critics felt it ignored worsening economic conditions and its specific impact on ethnic minorities, and were suspicious of AIMA's hardening conservative ideology despite it being supposedly an independent body (Jakubowicz 2018). The ALP won the 1983 federal elections amidst renewed inflation and rising unemployment (Macintyre 2016: 252). The incumbent PM Bob Hawke and his Minister for Immigration and Ethnic Affairs commissioned a review of the operation and administration of AIMA to give effect to an ALP pre-election commitment (Australia 1984: 5). A submission to Cabinet revealed, "the Committee of Review doubted that AIMA could be overhauled effectively and should be replaced" (*ibid.*: 6). As part of a budget reduction exercise, the Hawke government passed the *Australian Institute of Multicultural Affairs Repeal Act* in 1986 (Australia 1986: 1387). Based in part on the findings of the 1986 Review of Migrant and Multicultural Programs and Services chaired by Dr James Jupp, the Hawke government simultaneously created the Office of Multicultural Affairs (OMA) within the Department of the Prime Minister so that a government agency would finally monitor the effectiveness of the Commonwealth's multiculturalism policy, adding "access and equity" as one of its new core functions (Jupp 1995; Piquet 2012: 69). In addition, the 1986 Census sought further information on cultural diversity with new questions relating to ancestry (including multiple response options), birthplace, and languages spoken at home, religious affiliation and Aboriginality (Castles 1988: 15).

Following Labor's re-election in 1987, Hawke fulfilled a campaign promise by establishing a Committee to Advise on Australia's Immigration Policies (CAAIP), an inquiry chaired by Dr Stephen FitzGerald. Hawke simultaneously asked the Advisory Committee on Multicultural Affairs (ACMA), in April 1987, to organize a series of public consultations and meetings in each

State and Territory to develop a national policy of multiculturalism (Australia 1989: 2). It was generally understood (even by Hawke himself) that the CAAIP inquiry meant the government would address outstanding migrant and ethnic community concerns to raise the profile of multiculturalism (Birrell and Betts 1988: 262). After all, Dr FitzGerald was a scholar of Asian studies and diplomat with strong links to the ALP. Instead, the FitzGerald Report unexpectedly criticized multiculturalism for allegedly causing resentment of immigration, recommended the affirmation of a distinctly Australian identity and curtailment of family sponsorship visas, and implied that by defending group interests, ethnic communities were being disloyal to Australia (*ibid.*: 273). This attack on Australia's multicultural policy was curiously driven by a motive to increase economic migration (*ibid.*: 269). Multiculturalism had already gone under attack after the much-publicised release of historian Geoffrey Blainey's 1984 book *All for Australia*, in which "he lamented the loss of the Australian/British identity in the flood of unassimilated immigrants" (Richards 2008: 284). Rather than dispelling such fears and addressing migrant and ethnic community concerns, the FitzGerald Report catered to the political and cultural anxieties of many White Australians, fomented by Blainey's declarations. The leader of the Liberal Opposition, John Howard, shared this sentiment and tried to capitalise on the moment's tense race debate by presenting the "One Australia" policy, which called for a reduction of Asian immigration, an end to multiculturalism, and opposed treaty making with Aboriginal Australians (*ibid.*: 288; Birrell and Betts 1988: 274). Howard's hardly concealed call for a return to White Australia caused a split within his own party, while the Hawke government tried to distance itself from the FitzGerald Report given the intense condemnation it had gathered from ethnic community organizations. Nevertheless, the report's clumsy defense of increasing immigration levels had caused irreparable damage to race relations and the reputation of multiculturalism in Australia.



In our view, the intense debates of 1988 are identified as the opening of a critical juncture in Australian politics with regards to multiculturalism policy. For the first time since the end of the White Australia policy, the political consensus over the national affirmation of multiculturalism was seriously compromised. In these moments of uncertainty, political agency and choice is allowed to play a decisive role in setting an institution on a certain path of development (Capoccia 2015: 147-148). In this context, the Hawke government's response to the FitzGerald Report and the Opposition's "One Australia" proposal was the *National Agenda for a Multicultural Australia* policy statement prepared by ACMA (Australia 1989: 3). A memorandum submitted to Cabinet on May 1, 1989, reveals:

the centrepiece of the Agenda is a commitment by the Government to introduce an Act defining – and setting clear limits to multiculturalism, establishing English as the national language, recognising the special status of Aboriginal people, providing legislative basis for the Government's Access and Equity Strategy, and establishing an advisory body on a statutory basis, replacing the Advisory Council. Following detailed Cabinet consideration, the Bill would be introduced in 1990. (*Ibid.*: 4)

The Advisory Council considered Canada's recently enacted Multiculturalism Act did "little more than affirm broad principles" and that "as a consequence of differing legislative traditions any equivalent Australian legislation would need to have practical purposes as well" (*ibid.*: 12). Such "practical purposes" included proclaiming English as the national language, making Access and Equity Plans mandatory for all Federal Departments, give statutory form to ACMA, and outlaw racial vilification either through the Act itself or by amending the *Racial Discrimination Act* (*ibid.*: 13). However, the Attorney General's Department considered it controversial to outlaw racial vilification and "desirable not to link it with the introduction of the Multiculturalism Act" (*ibid.*: 62). The Department of Social Security shared the Attorney General's concerns and was equally

apprehensive towards the proclamation of English as the national language. Both Departments feared it “could have the opposite effect to quelling perceived uneasiness of the English speaking majority; rather, it could suggest the Government considered English as the national language to be under threat” (*ibid.*: 72). Finally, another federal election was approaching and the promise of a Multiculturalism Act did not find its way onto the environmentally focused platform that narrowly re-elected Labor in 1990 (Sullivan 1997). Power struggles within the Labor caucus would see Treasurer and Deputy-Premier, Paul Keating, replace Bob Hawke as Prime Minister in 1991.

Paul Keating maintained the Commonwealth Government’s commitment to implementing the *National Agenda for a Multicultural Australia*, but never introduced the Multiculturalism Act previously announced to Cabinet. Keating himself showed little interest in immigration policy (Betts 2003: 175) and was somewhat ambivalent about multiculturalism throughout his tenure (Moran 2017: 85). Rather, he placed Aboriginal issues at the top of his domestic policy priorities, notably by establishing a Council for Aboriginal Reconciliation in 1991 (Macintyre 2016: 277). After the landmark 1992 *Mabo* decision, where the High Court rejected the doctrine of *terra nullius*, State and territory governments demanded the Commonwealth reduce their exposure to native title claims, while Indigenous leaders grew more insistent their rights be upheld (*ibid.*: 278). The Commonwealth Government therefore set up a Native Title Tribunal to assess land title claims and created a land corporation to buy land for those with approved titles (*ibid.*). These events culminated in Keating’s celebrated December 1992 speech in Redfern, New South Wales, delivered to a crowd of mostly Indigenous peoples. The Prime Minister made a frank declaration of responsibility, offering:

Recognition that it was we who did the dispossessing. We took the traditional lands and smashed the traditional way of life. We brought the diseases. The alcohol. We committed the murders. We

took the children from their mothers. We practiced discrimination and exclusion. It was our ignorance and our prejudice. (Keating 1992)

Although re-elected in 1993, Keating and the ALP were defeated in the 1996 Australian federal election by a Liberal/National Coalition led by John Howard. As will be discussed in further detail in our chapters studying the multiculturalism policies of South Australia and New South Wales, the Howard Government abolished key agencies, such as OMA and the Bureau of Immigration and Multicultural Policy Research (Tavan 2012: 553). Whether this represented a retrenchment or reform of Commonwealth multiculturalism policies is debatable (*ibid.*; Moran 2017: 109-110; Levey 2009). What is clear, however, is that State governments have been vital in maintaining support for multicultural programs and services (Jupp 2011: 51; Tavan 2012: 553). As shown in the table below, since the 1989 *National Agenda*, States like New South Wales, South Australia, Victoria, and Queensland have adopted multicultural legislation and provisions to outlaw racial vilification, established an oversight body as well as strengthened their employment equity and human rights statutes. In short, some of these State Governments have achieved precisely the type of policy reforms the Commonwealth Government had set out to accomplish with the *National Agenda* but ultimately failed to deliver. With our case studies, we look to uncover the ideas that motivated such institutional change, the actors that carried them and how prior existing institutions affected the process of policy change. We provide an empirical account of how and why a process of policy displacement allowed New South Wales to reform its Ethnic Affairs Commission to implement a new policy of multiculturalism. The State gradually enabled Multicultural NSW to perform different functions, expanded its consultative mechanisms, strengthened compliance standards as well as powers to report issues of racial discrimination and make recommendations to the Anti-Discrimination Board of NSW. By contrast, despite a series of amendments to the

SAMEAC Act, as well as introducing an *Equal Opportunity Act* (1984) and *Racial Vilification Act* (1996), South Australia's multiculturalism policy has yet to develop clear provisions to combat racism or a coordinated approach to working with the Equal Opportunity Commissioner. Thus, we will show just how and why a process of policy layering has consolidated South Australia's commitment to largely the same policy functions of providing grants and contributions to ethnocultural organizations and special events, as well as overseeing the State's migrant settlement services.

| <b>Table 2.4 Multiculturalism Policies and Anti-Racism Laws in Australia (1988-2018)</b> |                              |                                                                   |
|------------------------------------------------------------------------------------------|------------------------------|-------------------------------------------------------------------|
| 1989                                                                                     | New South Wales              | <i>Anti-Discrimination (Racial Vilification) Amendment Act</i>    |
| 1989                                                                                     | Australia                    | National Agenda for a Multicultural Australia                     |
| 1991                                                                                     | Queensland                   | <i>Anti-Discrimination Act</i>                                    |
| 1991                                                                                     | Australian Capital Territory | <i>Discrimination Act</i>                                         |
| 1992                                                                                     | Northern Territory           | <i>Anti-Discrimination Act</i>                                    |
| 1993                                                                                     | Victoria                     | <i>Ethnic Affairs Commission Act</i>                              |
| 1996                                                                                     | Victoria                     | <i>Victorian Multicultural Commission Act</i>                     |
| 1996                                                                                     | South Australia              | <i>Racial Vilification Act</i>                                    |
| 1996                                                                                     | New South Wales              | <i>Ethnic Affairs Commission Amendment Act</i>                    |
| 1998                                                                                     | Tasmania                     | <i>Anti-Discrimination Act</i>                                    |
| 1999                                                                                     | Australia                    | A New Agenda for a Multicultural Australia                        |
| 2000                                                                                     | New South Wales              | <i>Community Relations and Principles of Multiculturalism Act</i> |
| 2001                                                                                     | Tasmania                     | Multicultural Policy                                              |
| 2001                                                                                     | Victoria                     | <i>Racial and Religious Tolerance Act</i>                         |
| 2003                                                                                     | Australia                    | Multicultural Australia: United in Diversity                      |
| 2004                                                                                     | Victoria                     | <i>Multicultural Victoria Act</i>                                 |
| 2004                                                                                     | Western Australia            | WA Charter of Multiculturalism                                    |
| 2004                                                                                     | Western Australia            | <i>Criminal Code Amendment (Racial Vilification) Act</i>          |
| 2005                                                                                     | Northern Territory           | Building on the Territory's Diversity: A Multicultural Policy     |
| 2006                                                                                     | Victoria                     | <i>Charter of Rights and Responsibilities Act</i>                 |
| 2011                                                                                     | Queensland                   | Queensland Multicultural Policy: Our Story, Our Future            |
| 2011                                                                                     | Victoria                     | <i>Multicultural Victoria Act</i>                                 |
| 2011                                                                                     | Australia                    | The People of Australia: Australia's Multicultural Policy         |
| 2014                                                                                     | Tasmania                     | Tasmanian Multicultural Policy                                    |
| 2014                                                                                     | New South Wales              | <i>Multicultural NSW Act</i>                                      |
| 2016                                                                                     | Queensland                   | <i>Multicultural Recognition Act</i>                              |
| 2017                                                                                     | Australia                    | Multicultural Australia: United, Strong, Successful               |

## *Conclusion*

In conclusion, multiculturalism emerged within a context of constitutional crisis in both countries. While “the Displacement” ended an acute power struggle between Whitlam’s ALP and the Fraser lead Coalition, Australia’s constitutional crisis was by no means as visceral a challenge to the structure and nature of the federation as rising Quebec nationalism and Western alienation in Canada. Both episodes nevertheless displayed the inevitable friction that arises during periods of momentous institutional change that challenge prior conceptions of the national self. Among these significant institutional changes was the adoption of multiculturalism by the central government in the 1970s as a core feature of each federation’s renewed national identity. Until then, the national identity of both Australia and Canada was deeply rooted in a colonial legacy of depriving Indigenous peoples of their land, culture and civil rights to facilitate the arrival of European settlers of mostly British provenance. As part of a broader civil rights movement, multiculturalism signalled a break with past policies of racially segmenting society. It meant bringing incremental changes to remove the discriminatory practices ingrained within institutions like the census and the immigration selection process. It also meant adapting public service provision to accommodate the growing ethnocultural diversity of its population, rather than demand assimilation and uniformity. Thus, claims for a more equitable treatment of ethnocultural minorities have progressed in parallel to Indigenous claims for self-determination, though the two rarely worked in tandem or addressed the same issues (Fleras 2009: 126; Moran 2017: 208).

In order for ideas to transform institutions they must find salience among political actors with the motivation and authority to push a reform agenda. But a defining feature of federations is their division of power among distinct political entities for the purpose of respecting regional

differences through self-rule and achieving mutual goals through shared-rule. As a consequence, in federations the thrust for policy change and its opponents can emerge from a variety of locations. The principle objective of this chapter was to present the historical context and actors most instrumental to both advancing and resisting reforms related to multiculturalism policy in Australia and Canada. Political struggles for the recognition and accommodation of cultural diversity first emerged in Canada's Western provinces, particularly in the Prairies where treaty negotiations with the Indigenous peoples opened up lands to mass European immigration. Advocates of multiculturalism found a voice in Parliamentarians whose ancestors settled in the Western plains and felt estranged in a national narrative of "two founding races", the English and French. Political leadership in Alberta, Saskatchewan and Manitoba, irrespective of political party affiliation, showed early support for multiculturalism, both within federal discussions and debates in their legislative assemblies. Similarly, early proponents of multiculturalism in Australia came from both the Liberal Party, namely Prime Minister Malcolm Frazer, as well as Labor State Premiers like Neville Wran (NSW), Don Dunstan (SA), and John Cain (VIC). The bipartisanship and diffusion of support for dismantling the White Australia policy provided the foundation for multiculturalism policy implementation across the Australia's federation.

This underscores the importance of ideas and agency. For instance, in spite of being the province with the largest immigrant population and share of racialized (or "visible") minorities, Ontario has never had an official policy of multiculturalism. Such policy output therefore does not automatically result from increased cultural diversity. Similarly, Queensland long resisted to implementing multiculturalism in its State under the conservative leadership of Joh Bjelke-Petersen (Jupp 2011: 48). Despite all this, an overall political consensus supportive of multiculturalism, both as an idea and policy, persisted throughout the 1970s and 1980s. This

allowed Canada to adopt a policy (1971) and enshrine multiculturalism in its Constitution (1982) under a Liberal government, only to have a conservative government then adopt the *Canadian Multiculturalism Act* (1988). By comparison, Australia's multiculturalism policy has a weak institutional base, with no constitutional or legislative basis in Commonwealth laws (Jakubowicz 2013: 28). This is the paradox of Australian multiculturalism, one of retreating commitments by the Commonwealth government starting in the mid-1990s, matched by strengthening commitments by most Australian States who began to legislate multiculturalism in the early 2000s (Fleras 2009: 125). This contrast coincides both with the emergence of ideas much more critical to multiculturalism after the FitzGerald Report, and also confrontation between the interests of a Commonwealth Government under the leadership of Liberal John Howard and Labor-controlled States (Jupp 2011: 50). In Canada, changes to multiculturalism policies, both federally and provincially, occurred as powers over immigration settlement were unevenly devolved across the federation through a series of bilateral agreements starting in the 1990s. Thus, this chapter also examined how a sharper line of criticism began to challenge the prevailing political consensus over multiculturalism in the late 1980s, marking the opening of a critical juncture. This challenge emerged whilst multiculturalism in both countries was turning away from its focus on immigrant settlement in Australia and cultural preservation in Canada, to tackling barriers to the civic participation of ethnocultural and especially racialized minorities in both countries. Our case studies will pay close attention to how this shift from ideas on *ethnicity* to *equity* in the 1990s found resonance in the constituent units to include anti-racism measures in their policies of multiculturalism. In other words, how have *ideas*, particularly with regards to the role of constituent units in advancing social justice and enabling the civic participation of ethnocultural minorities, emerged during this critical juncture (1989-2019) and why were they integrated into

the multiculturalism policies of some jurisdictions and not others? How did such changing ideas reconfigure actor interests regarding multiculturalism policies and why did this affect the prevailing political party consensus? In this way, we do not view interests as simply the objective result of cost-benefit calculations. Rather we take the perspective of ideational scholarship that interests are subjectively interpreted as actors alter their understanding of their changing world, then recalculate their priorities (Béland and Cox 2011: 12). As this chapter has shown, entering the critical juncture, many Canadian provinces and Australian States already had institutions dealing with multicultural and ethnic affairs. As such, certain ideas about multiculturalism were already enshrined into institutions. How did institutional rules constrain the discretionary power of actors to re-interpret those rules as they seek to make policy decisions that reflect their changed ideas and interests? Why do prevailing *institutional rules* open separate paths to changing policies incrementally?

Finally, what stood out most in this chapter examining the historical construction of multiculturalism in Canada and Australia is the role played by key actors in generating support for policy reform. In the coming chapters, we will conceptualize and demonstrate empirically the role of such “policy entrepreneurs” (Béland and Cox 2016). They are the actors that use ideas in a way that appeal to a diversity of individuals and groups and strategically frame interests so as to mobilize supporters and build coalitions critical to policy reform (*ibid.*: 429). The causal force of ideas is a function of the contingency of *critical junctures*, where the institutional environment must be conducive to reform, the structure of *institutional rules* which allow for more or less discretionary power to re-interpret the policy, and the agency of *policy and political entrepreneurs*, as reform options must be promoted so as to address a critical issue in a way that appeals to broader interests. The unique interaction of these three variables is carried forward by a discrete causal



mechanism thereby producing separate processes of gradual institutional change. The operation of these processes and their respective causal mechanism will be conceptualized and explained with detail in the following four case studies.

## Chapter 3

### Policy Drift in Nova Scotia

*We are going to emancipate ourselves from mental slavery because whilst others might free the body, none but ourselves can free the mind.*  
Marcus Garvey, Sydney, Nova Scotia, 1937.<sup>47</sup>

Nova Scotia holds a unique place in the history of civil rights struggles in Canada. How could a speech given in front of a gathering at Melenik Hall in Sydney, Nova Scotia, on October 1, 1937, have otherwise inspired “Redemption Song”, Bob Marley’s celebrated anti-colonial ballade? Those famous Marley lyrics, “emancipate yourselves from mental slavery, none but ourselves can free our minds”, were indeed drawn directly from Pan-African<sup>48</sup> activist Marcus Garvey’s speech, delivered that autumn day on Cape Breton Island (Tattie 2016: 161). The timing and location of this public address is by no means trivial. Unbeknown to most Canadians is a long and dreadful history of Black oppression in this small and otherwise unassuming Maritime Province.

Until the immigration policy reforms of the 1960s gradually transformed Canada’s demographic profile, more than 45% of Canadians of African ancestry were living in Nova Scotia (Canada 1951: 32-2). The diversification of the Canadian population through universal points-selected immigration brought a new set of issues increasingly affecting racialized minorities facing various forms of discrimination in education, employment, and housing. Consequently, the

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<sup>47</sup> Tattie, Jon. *Redemption Songs: How Bob Marley’s Nova Scotia Song Lights the Way Past Racism*. East Lawrencetown: Pottersfield Press, 2016, p. 161.

<sup>48</sup> Pan-Africanism is a socio-political movement seeking to unify both African states and those of the African diaspora as part of a global African community (Kurian 2011: 1169). It gained momentum in the 1900 and 1945 under the leadership of prominent intellectuals and civil rights activists of the likes of W.E.B. Du Bois and Marcus Garvey. The movement initially developed outside the African continent to overcome structures of colonial domination over peoples of African descent. Following decolonization in Africa and the end of Apartheid in South Africa, pan-africanism has since become more closely aligned with efforts advocating continental cooperation and self-emancipation (*ibid.*).

Government of Canada introduced a series of legislative changes in the 1980s to foster equality and combat racial prejudice:

- Equality Rights in the *Constitution Act* (Canada 1982: s.15);
- Proscription of discrimination in the *Canadian Human Rights Act's* (Canada 1985: Part I);
- Amendment to the *Criminal Code* to outlaw hate propaganda (Canada 1985: s.319);
- Affirmative action obligations established through the *Employment Equity Act* (Canada 1986: s.5);
- Equal treatment and non-discrimination provisions in the *Canadian Multiculturalism Act* (Canada 1988: s.3(e) and s.5(g)).

Thus, from a policy of cultural preservation and celebration of diversity in the 1970s, Canadian multiculturalism was progressively transformed into a policy of social and economic integration in the 1980s as part of the federal government's equality agenda (Labelle 2008: 36; Fleras 2015: 331-2). This gradual process of institutional change came in response to criticism that multiculturalism's initial version had been too preoccupied with maintaining cultures, thereby overlooking systemic factors of discrimination precisely due to minority cultural identity traits (Rocher and Brassard-Dion 2017: 311).

It was at this moment, in 1989, that the Nova Scotia Legislature adopted *An Act to Promote and Preserve Multiculturalism*, whose provisions were silent on issues of equity and race relations. However, episodes of mistreatment in the Nova Scotia criminal justice and foster care systems, as well as race riots in the streets of Halifax and schoolyards of Cole Harbour soon exposed the lingering effects of a long history of racial division. Given the province's singular history of struggles for equality, how did Nova Scotia's multiculturalism policy change between 1989 and 2019 in light of these public incidents, and what factors explain these changes? We argue that Nova Scotia failed to reform its *Multiculturalism Act* and that this inability to adapt institutions to their socio-political context represents a process of policy drift. Such is the case when institutions are consciously held in place while their context shifts in ways that alter their effectiveness (Hacker

et al. 2015: 180). To be clear, it is not simply a matter of benign neglect. Rather, political actors placed in a position of authority choose not to respond to such contextual changes and it is their very inaction that causes the changed impact of the institution (Mahoney and Thelen 2010: 17). That is why policy drift is a mode of gradual institutional change operating through a mechanism of *deliberate neglect* (Streek and Thelen 2005: 31). To prove that it is a deliberate and not a benign mechanism of neglect, there has to be formal acknowledgment of the institution's shortcomings and reform options that could provide a solution to the problem. The process of policy drift can therefore be conceptualized according to the five following stages that mark its operation:

**Table 3.1 Process of Policy Drift**

|                  |                                                                                                           |
|------------------|-----------------------------------------------------------------------------------------------------------|
| 1) Opening       | ▪ A critical juncture emerges amidst tension between the public policy and its socio-political context.   |
| 2) Contention    | ▪ Actors present reforms that could potentially resolve the tension between policy and context.           |
| 3) Deflection    | ▪ The tension is acknowledged, and reforms blocked or avoided.                                            |
| 4) Consolidation | ▪ Further reform attempts are blocked or avoided, while ambiguous rules enable discretionary enforcement. |
| 5) Drift         | ▪ The status quo prevails despite the acknowledged incongruity between policy and context.                |

This chapter studies some of the critical moments and actors who challenged policy makers to reform the province's *Multiculturalism Act* so as to enact institutional changes that would address the discriminatory barriers Indigenous and Black Nova Scotians continued to face late into the 20<sup>th</sup> century. We will demonstrate how ambiguous *institutional rules* allowed discretionary interpretation and implementation of the province's Act and why the absence of a *political entrepreneur* precluded the formation of a coalition with *policy entrepreneurs* in support of emerging ideas for reforms at this *critical juncture*.

### 3.1 Opening of a Critical Juncture

The thousands of United Empire Loyalists who settled on the unceded territory of the Mi'kmaq people while fleeing the violence of the American Revolution (1765-1783) brought with them their most prized possessions, including capital, tools and enslaved persons. According to historian Harvey Whitefield, "Loyalist slaves and slaveholders settled throughout the colony from Cape Breton to Yarmouth" with approximately four percent of the 28,347 Loyalist settlers enslaved or living in some form of indentured servitude in 1784 (Whitefield 2010: 31). Many more Black Loyalists who had gained their freedom settled in Nova Scotia, while the War of 1812 brought another influx of African-American and British settlers to the region (Sutherland 1996: 36). Feeling the hostility of the local white population, Black Nova Scotians began to form community organizations like the African Friendly Society in 1831, and Cornwallis Street African Chapel in 1832. Richard Preston, a man born into slavery in Virginia who bought his freedom and moved to Halifax, founded the Cornwallis Street African Chapel and served as its first minister. Within these rudimentary institutions and community gatherings slowly emerged a sense of group identity and demands for collective self-determination (*ibid.*: 37-38). The British Parliament's 1833 *Slavery Abolition Act*, effective throughout the Empire's colonies, was greeted with cheers of triumph on the streets of Halifax. Preston proceeded to create the Abolition Society, which organized an Emancipation Day celebration on 3 August 1846, and quickly became the most prominent institution within Halifax' black community (*ibid.*: 44). As these early civil rights groups began to organize, Black Nova Scotians still faced racist comments of every political persuasion in the local press (*ibid.*: 42). Moreover, sustained immigration in the 1840s attracted a large pool of poor Irish Catholics equally infused with a strong collective consciousness and eager to find inner city living space and work opportunity, often to the detriment of the Black population (*ibid.*). Growing

tensions between the two communities led to a turning point in Nova Scotia's history, as more than a hundred black and white colonials fought in the streets of downtown Halifax on July 29, 1847 (*ibid.*: 35). Ever since then, the tension between black assertion and white resistance has been an enduring struggle in Nova Scotian society and politics (*ibid.*).

This state of division and distrust ultimately lead to formal segregation. Denied the opportunity of professional sports, Black athletes from the Maritimes competed in the Coloured Hockey League from 1895 to 1925 (Fosty 2008). Perhaps the best-known case of segregation in Canadian history is the story of Viola Desmond, who in 1946 was arrested for sitting in a “white-only” section of a movie theatre in New Glasgow, Nova Scotia (Reynolds 2016: 60-62). Her story only gained notoriety after the Government of Canada unveiled a new ten-dollar bill in 2018 with Desmond's image on it to honour her defiance of segregation (Lorenzetti and Jacob 2018: 50). Spatial segregation had been around in Nova Scotia since the early 1800s when Black settlements formed in places like Africville and Crichton Avenue on the northern ends of Halifax and Dartmouth (Fingard 2011; Sehatzadeh 2008). By the time abolition was proclaimed in the 1830s, there were segregated schools for black children in Halifax, Preston, Hammonds Plains, Shelburn and Digby (Winks 1969: 169). In the minds of most Canadians, slavery and segregation are American phenomena, incommensurable with the image typically portrayed of a tolerant and diverse society that welcomed those fleeing north along the “underground railroad”<sup>49</sup>. Yet segregation went beyond the spatial concentration of settlers and the discriminatory practices of a

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<sup>49</sup> Nova Scotia never emerged as a major destination for runaway slaves using the so-called “underground railroad” (Sutherland 1996: 50). The clandestine route reached its peak in the years following the US' passage of the *Fugitive Slave Act* in 1850 (Black History Canada). However, the most significant migrations of people of African descent to Nova Scotia had already occurred by then. Along with the Loyalists of the 1780s and Maroons of the 1790s, many of the Black settlers were indeed refugees escaping slavery in the US and Bermuda, but they had actually come to Nova Scotia during the War of 1812 that opposed British and American troops until 1815 (Sehatzadeh 2008: 408).

few private businesses. There were formal laws that enforced this separate treatment, most notably the *Nova Scotian Education Act* introduced in 1918 to consolidate this practice by allowing,

separate apartments or buildings in any section for the different sexes or different races of pupils, and to make such decisions thereon as it deems proper, subject to the provision that coloured pupils shall not be excluded from instruction in the public school in the section in which they reside (*ibid.*: 186).

Presented as a way of ensuring all children would receive a public education, the Act could nevertheless prevent the integration of races and sexes in the public-school system and opened the possibility of unequal treatment, depending on how its rules were interpreted and enforced. Indeed, the underfunded and dilapidated schools for Black children remained until the *Education Act* was amended in 1954 to remove all reference to race (*ibid.*). From then on, separate schools continued to exist by virtue of residence rather than separate by law (*ibid.*: 188), as several communities kept a strong concentration of Black residents. Among those communities was the 150-year-old neighbourhood of Africville, whose 400 residents were forcibly evicted from their homes beginning in 1964. The City of Halifax proceeded to then demolish their homes along with the church and other communal buildings as part of an urban renewal plan (Rutland 2018). This goes to show that long after abolition, in the minds and daily lives of many Nova Scotians, emancipation was far from realised.

This brief introduction to the history of Black assertion and oppression in Nova Scotia is necessary to understand the specific social context in which political debates over multiculturalism appeared in this province. “The criminal justice system failed Donald Marshall, Jr. at virtually every turn from his arrest and wrongful conviction for murder in 1971 up to, and even beyond, his

acquittal by the Court of Appeal in 1983” (Nova Scotia 1989: 1). This scathing declaration comes from the report by the Royal Commission on the Donald Marshall, Jr., Prosecution<sup>50</sup> released to the public in December 1989. The Commission is significant for its timing and also the nature of the inquiry for it found that “racism played a part in Donald Marshall, Jr.’s wrongful conviction and imprisonment” (*ibid.*: 10).

The timing of the Report was significant because it was released just a few months after the Nova Scotia Legislature adopted Bill 9, the *Multiculturalism Act*, in June of 1989. This means that the Royal Commission appointed by John Buchanan’s PC Government on October 28, 1986, was conducting its inquiry before and during legislative debates on multiculturalism. In fact, after his re-election in the 1988 Nova Scotia general election, Buchanan’s Speech from the Throne opening the 55<sup>th</sup> General Assembly announced his government’s intention to pass legislation creating a Director of Public Prosecutions to implement “appropriate recommendations” from the Marshall Commission (Nova Scotia 1989: 15), and establish a Nova Scotia Multiculturalism Advisory Council to advise the Government on the “concerns and needs of the many different cultural communities in our Province” (*ibid.*: 22). Both the Marshall Commission and multiculturalism policy were therefore simultaneously on the Government’s agenda.

The nature of the Marshall Commission is also significant because it brought to light severe problems of racial prejudice in Nova Scotia’s society and criminal justice system in particular.

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<sup>50</sup> Donald Marshall, Jr., an Indigenous Mik’maq, was wrongfully convicted of murdering his friend, Sandy Seale, a Black Nova Scotian. When the two were attacked in a Sydney park in 1971, the assailant reportedly cried out, “this is for you, Black man” before fatally stabbing the 17-year-old Seale in the stomach (Nova Scotia 1989: 2). Largely because of untrue statements collected by police investigators, a negligent Crown prosecutor and defense counsel, Marshall was convicted and sentenced to life in prison in June of 1971 (*ibid.*: 3-4). The Royal Canadian Mounted Police (RCMP)’s review of the case was deemed “incompetent and incomplete” by the Royal Commission (*ibid.*: 4). Marshall’s appeal was denied even though “the trial judge’s errors were so fundamental that the Court of Appeal would inevitably have ordered a new trial if it had been aware of those errors” (*ibid.*: 5). Donald Marshall remained incarcerated until the actual perpetrator of the attack, Roy Ebsary, admitted killing Seale years later. This set off a reinvestigation from the RCMP in 1982, ultimately proving Marshall’s innocence. He was released from prison 11 years after his initial sentencing.



Given the nature of the events that triggered the Commission, one could reasonably assume that multiculturalism legislation introduced in Nova Scotia in this context would adopt a focus on social justice and contain provisions specifically targeting racial prejudice. Instead, the purpose of Bill 9 is to promote multiculturalism in the Province by: (a) encouraging recognition and acceptance of multiculturalism, (b) establishing harmonious relations through the maintenance of distinct cultural and ethnic identities, and (c) encouraging the continuation of a multicultural society as a mosaic of different ethnic groups and cultures (Nova Scotia 1989: s.3). These three broad objectives only focus on the *identity* dimension of multiculturalism policies presented in chapter 1, section 1.2.2. Such measures look to foster recognition and respect, as well as to reflect a diversity of cultures such that people of all backgrounds feel a sense of belonging to the polity. However, combatting racial prejudice and the systemic mistreatment of racialized minorities to the degree uncovered in the Marshall Commission requires robust *social justice* provisions. This dimension of multiculturalism policies helps ensure that equitable treatment and opportunities are presented to racialized minorities. The Act's shortcomings in this regard did not go unnoticed. During the second reading, NDP leader Alexa McDonnough decried the fact that the "bill does absolutely nothing to acknowledge the reality of racism in our society that has to be a focus of this whole multicultural effort" (Nova Scotia 1989: 2768). McDonnough called for the inclusion in the Act of a fourth objective on the elimination of racism (*ibid.*: 2771). The Minister of Government Services, Terence Donahoe, responded that matters related to racism were better off left with the Human Rights Commission (HRC) of Nova Scotia rather than "perhaps add a specific, possibly competing authority in the field of human rights" (Nova Scotia 1989: 2907). As for the Official Opposition, Liberal MLA's agreed with the PC government, asserting the "significant difference between culture and race" requires them to be treated separately (Nova Scotia 1989: 2749). In sum,

the idea that a multiculturalism policy could help combat problems of racial prejudice uncovered by the Marshall Commission seemed inconceivable to both the Government and Official Opposition.

Both opposition parties did, however, object to the high degree of ambiguity in the *institutional rules* structuring the implementation of the *Multiculturalism Act* and its compliance standards. In spite of the Speech from the Throne's promise to establish an advisory council, independent MLA Paul MacEwan astutely pointed out "the permissive, rather than the definite tense of the verb" used in Clause 7(1) of the Act, states, "The Governor in Council *may* appoint a Multiculturalism Advisory Council" (Nova Scotia 1989: 2764). This essentially provides the Minister responsible for multiculturalism in Nova Scotia full discretion over whether or not it is appropriate to create an independent body that will advise the Minister and monitor his government's activities. In addition, the Clause gives the Minister the power to appoint whomever they want without consulting the Legislature or civil society organizations with vested interests (*ibid.*: 2765). Instead, "the only clause of the bill that is unqualified, that is direct", according to MacEwan, is the requirement (in Clause 4) to establish a Cabinet Committee on Multiculturalism under the direction of the Minister of Tourism and Culture (*ibid.*: 2763). MacEwan once again voiced his concerns because "the Cabinet meets in secret" and these committees impose a "very onerous burden on the time and on the energies of already heavily overworked ministers", who, in this case, are under no obligation to meet or disclose the content of their discussions (*ibid.*: 2764). That is precisely why, according to Liberal MLA Ross Bragg, the Multicultural Association of Nova Scotia recommended the creation of a separate Ministry of Culture and Multiculturalism (*ibid.*: 2748). Thus, much like the *Canadian Multiculturalism Act* in 1988, Nova Scotia's *Multiculturalism Act* did not create a Ministry to enforce the Act or an oversight body to monitor

compliance and advise the government. As a result, the interpretation of the Act's rather ambiguous provisions was left entirely to the discretion of the Minister who has full authority over the policy's implementation and enforcement.

To summarize, in spite of Nova Scotia's dreadful history of Black oppression, including slavery and segregation, as well as recent gross miscarriages of justice involving racialized minorities, the initial version of the province's multiculturalism policy did not contain specific social justice provisions. Instead, it promoted a rather antiquated policy framework exclusively focused on the promotion and preservation of cultural diversity. However, the policy's ambiguous rules and the high degree of discretion it granted to the Minister of Tourism and Culture means that institutional rules could still be interpreted in a way favourable to social justice objectives, like for instance public campaigns to combat racism or official apologies for past injustices. But with a majority of parliamentarians opposed to amending the bill and in the absence of a policy entrepreneur, someone willing to champion this cause and with the authority to influence the implementation process, Nova Scotia's policy remained exclusively committed to cultivating and promoting a multicultural identity for the province. As the release of the final report of the Royal Commission on the Donald Marshall, Jr., Prosecution neared, the context could soon prove more conducive and indeed critical to updating Nova Scotia's multiculturalism policy so as to introduce provisions to combat racism and right historical wrongs.

### *3.2 Contention Over Policy Outputs*

By the end of the second reading of Bill 9 on May 5, 1989, the Liberal Opposition grew increasingly supportive of the *Multiculturalism Act's* provisions. Liberal MLA Kenneth MacAskill remarked that the Cabinet Committee and Advisory Council "have the power to recommend policy

to the government, which is wonderful”, adding, “a piece of legislation cannot break down racism” (Nova Scotia 1989: 2964-5). The prospects of amending the *Multiculturalism Act* to insert social justice provisions were becoming less likely as the bill progressed through the legislative process to its Royal Sanction in June 1989. It took the release of the Marshall Commission’s report in December 1989 for there to appear a first real challenge to the prevailing consensus over the desired functions of multiculturalism in Nova Scotia.

The Marshall Commission revealed that the attack that killed Sandy Seale was racially motivated and that Marshall’s indigenous identity was a factor in his wrongful conviction and imprisonment (Nova Scotia 1989: 19). These findings signalled major problems of racial prejudice within the institutions administering law and order in Nova Scotia. It formulated 81 recommendations mostly aimed at the Attorney General, the RCMP, and the Nova Scotia Police Commission. Among those with implications for the province’s multiculturalism policy, the Marshall Commission report recommended that the Attorney General and Solicitor General “adopt and publicize a Policy on Race Relations that has as its basis a commitment to employment equity and the elimination of inequalities based on race” (*ibid.*: 25), in addition to amending the *Human Rights Act* to establish a Race Relations Division within the Commission (*ibid.*: 30). It also recommended “multicultural and race relations training” to detachments and municipal police departments serving areas of high visible minority concentration (*ibid.*: 38).

Along with these clear signs of injustice within public institutions, tensions within society were becoming increasingly evident. What began as a seemingly innocuous incident – a snowball thrown in the face of another student – grew into a much bigger problem when for three consecutive days in January 1989, fights opposing black and white youth erupted at Cole Harbour High School in Halifax County. By the third day as many as 100 students faced off, requiring

police intervention when fights broke out, leading to charges being laid against 14 people in connection with the violence (Maclean's 1989: 14). When pressed by both opposition parties to investigate parent concerns regarding problems of racism at Cole Harbour High School through a Standing Committee on Justice, the Minister responsible for the Human Rights Commission, Thomas McInnis (PC), preferred to treat it as an isolated incident and cast doubt into the actual existence of racism in the school (Nova Scotia 1989: 255 and 275-6). Liberal MLA James Smith decried a lack of coordination between government departments and need for affirmative action programs and multiculturalism content in the school curriculum (*ibid.*: 276). Moreover, a memorandum from the Director of the Nova Scotia Region to the federal government's Assistant Under Secretary of State for Multiculturalism, Shirley Serafini, raised concerns regarding "substantial cuts in the provincial education budgets which were passed along to municipal school boards [...] and less likelihood of staff/programs to address race relations" (Canada 1990: 2). Despite establishing a Cabinet Committee on Racism and Advisory Committee on Multiculturalism, the memo also emphasized that the Nova Scotia Department of Tourism and Culture had accomplished "no major developments" a year into the *Multiculturalism Act's* implementation (*ibid.*: 1). Representatives from the two orders of government had met to discuss co-funding arrangements for the Black Cultural Centre and an affirmative action strategy for the provincial civil service, but no formal agreement or arrangement could be reached, in part due to the province's reluctance to meet fully cost-sharing funding arrangements (*ibid.*: 1-2).

Another year passed before civil unrest would again bring attention to the province's persistent problem of racial prejudice and rising social tensions. Late one Summer night in mid-July 1991, bouncers at a Halifax bar denied entry to a group of Black patrons on the grounds they had allegedly caused trouble in the past. Word quickly spread of the incident and the next day, on

July 19, a crowd of roughly 150 mostly black people rioted through the downtown streets of Halifax in a spontaneous outburst of collective anger (Maclean's 1991: 21). Elsewhere in the province, violent inter-racial confrontations broke out in Annapolis Valley and Sydney on July 27 (*ibid.*). Members of the Afro-Canadian Caucus of Nova Scotia felt "these recent outbursts reflect rage which has been simmering for generations" (*ibid.*: 14). Likewise for Rev. Ogueri Ohanaka, who at the time was the executive director of the Halifax-based Black United Front and viewed the clashes as a sign of defiance, showing the "younger generation is simply not willing to sit back and suffer more humiliation" (*ibid.*). As a result, over 1,000 protesters marched through the streets of Halifax on August 1 to demand governments take action to combat racism (*ibid.*).

In response to "continuing racial tensions in Nova Scotia, which are the result of years of discrimination against Blacks" (Canada 1991: 1), the Federal Minister of Multiculturalism and Citizenship, Gerry Weiner (PC), decided to intervene. The result was an agreement with the Nova Scotia Minister responsible for Human Rights, Joel Matheson (PC), and the Mayor of Halifax, Ron Wallace, to form an ad hoc committee along with representatives of the Black community<sup>51</sup>. At the time, Progressive Conservatives held power in both Halifax and Ottawa. The Nova Scotia Advisory Group on Race Relations (NSAGRR) was given a 30-day mandate to come up with recommendations on "a plan of action to accelerate the movement toward the elimination of racism and racial discrimination in Nova Scotia" (NSAGRR 1991: i). As we will see in the following section, the report and recommendations of the NSAGRR brought further recognition to the fact the Province's multiculturalism policy was ill-equipped to combat racism and advance social

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<sup>51</sup> The members of the NSAGRR were: Dr. Carolyn Thomas (Advisory Group Chairperson), Archy Beals (Black Community Member), Rev. Ogueri Ohanaka (Black Community Member), John Dennison (Office of the Federal Minister of Multiculturalism and Citizenship), Mildred Royer (City of Halifax), Ken Hudson (Black Community Member), Dolly Williams (Black Community Member), Allister Johnson (Black Community Member), Cecil Wright (Black Community Member), Alma Johnson (Black Community Member), and Janis Jones-Darrell (Black Community Member).

justice. Yet, despite the contention generated by the Marshall Commission and recurring racially motivated violence, the reluctance of policy-makers to update institutions to their changing context would again prove unshakable as the NSAGRR presented further claims for institutional change.

### *3.3 Recognition of an Anachronistic Policy*

The report from the NSAGRR was unequivocal: “the reality is that Nova Scotia has not yet succeeded in creating a society in which differences in race, colour, and cultural background are respected” (NSAGRR 1991: 3). The Advisory Group listed the Canadian and Nova Scotian multiculturalism acts as important initiatives, but argued for much more robust measures to advance institutional change:

The multicultural reality of Nova Scotia, in which Blacks are an established and integral part, must be recognized and brought into the decision-making process within the apparatus of all levels of government and within our institutions. This means ensuring that Blacks and visible minorities share the same opportunities to participate in the public life of this province as do members of any other group. (*ibid.*: 4)

With that in mind, the report of the NSAGRR made 94 recommendations, many of which advocating for some form of employment equity and affirmative action program, whether in the field of education, economic development, or human rights. The recommendations were in fact clustered into seven categories related to separate policy fields: (1) Education, (2) Employment and Economic Development, (3) Black Community Participation and Access to Services, (4) Policing, Justice and Human Rights, (5) Black Community Development, (6)

Communications/Media, and (7) Tourism and Culture. Among the recommendations relating to issues of justice were detailed proposals on how to amend the *Multiculturalism Act* of Nova Scotia and bring meaningful institutional change that would adequately recognize and enable the contributions of Black Nova Scotians.

First, the NSAGRR recommended amending section 3 dealing with the purpose of the Act to specifically include “the elimination of racism and racial discrimination” (*ibid.*: 14). Second, it called for amendments to section 4 that would establish a Cabinet Committee on Race Relations, as well as a Race Relations Secretariat (*ibid.*). Headed by a senior civil servant, the Secretariat would monitor the work of government departments and agencies to ensure that their policies, programs, and services are delivered in accordance with the spirit of the *Multiculturalism Act* of Nova Scotia (*ibid.*). The Secretariat would also be tasked with developing a comprehensive public education strategy to de-emphasize racial categories and foster the development of equal citizenship (*ibid.*: 15). Third, the NSAGRR report requested amending section 6 of the *Multiculturalism Act* in order to require that the Minister responsible for Multiculturalism table an annual report to the Provincial Legislature on the implementation of the Act (*ibid.*). Finally, it called for a review of the Multiculturalism Advisory Committee to assess its effectiveness on race relation issues (*ibid.*). In short, the report brought explicit recognition of the growing disconnect between the *Multiculturalism Act* and the social context of Nova Scotia. It was a moment of significant *policy entrepreneurship*, whereby civil servants, academics and interest groups challenge the status quo and engage in policy innovation (Donnelly and Hogan 2012: 331). In an effort to resolve the Act’s apparent anachronism, the recommendations suggested reforms that sought greater clarity in how institutional rules would advance social justice and combat racism. Additionally, the amendments wished to improve compliance standards with more robust



enforcement powers for the Minister and Cabinet Committees, whose discretionary power would be counterbalanced by an oversight body independent from the executive and annual reporting requirements.

The three orders of government (municipal/provincial/federal) each prepared a response to the report of the NSAGRR for their respective jurisdiction. It was the Minister Responsible for the Administration of the Human Rights Act, Joel Matheson, who submitted the Government of Nova Scotia's response on October 15, 1991. Regarding the reform proposals specific to the *Multiculturalism Act*, the Government chose to "endorse the principle" of the recommendations but made no commitments to either of them. It did not even accept to amend section 3 of the Act to specifically include the elimination of racism because it "would require a substantial increase in funding and resources to fulfil such a role" (Nova Scotia 1991: 23). The only recommendation it did accept (sort of) was the amendment to section 4 of the Act to include the Attorney General and Solicitor General in a Cabinet Committee on Race Relations, but only agreed in the sense that "this need not be a formal change to the Act" because the Attorney General already sits in the Cabinet Committee on Multiculturalism in his capacity as Minister Responsible for the administration of the Human Rights Act (*ibid.*: 23-4). Finally, the Government made no formal commitments to establishing a Race Relations Secretariat or mandatory annual report on the implementation of the *Multiculturalism Act*. It simply said these recommendations would be "addressed by the Minister of Multiculturalism and the Minister Responsible for Human Rights after consultation with involved organizations and agencies" (*ibid.*: 24).

Later on, in January 1992, Nova Scotia's Minister of Tourism and Culture, Terence Donahoe, wrote to Canada's Minister of Multiculturalism, Gerry Weiner, seeking financial assistance. Minister Donahoe's letter wrote about the "the many multicultural needs" in his

province (without specifying) and the Nova Scotia Advisory Committee on Multiculturalism's "many interesting ideas" (without specifying) (Donahoe 1992). The letter explained:

Unfortunately, the Committee does not have financial resources from which its recommendations for active programs or research can be met. The Department of Tourism and Culture cannot meet the Committee's needs in any meaningful way as its budget for multiculturalism is committed for the most part to the annual operating grant to the Multicultural Association of Nova Scotia. (*ibid.*)

Minister Weiner responded in early March with a refusal. His letter stated, "departmental funding is not available to government advisory groups" (Weiner 1992). The Federal Minister did, however, offer to "develop joint partnerships" and provided the name and title of a department official to contact for such projects. More importantly, Weiner concluded his letter by stating:

I note too, that the Nova Scotia Advisory Group on Race Relations report contained several recommendations concerning the Nova Scotia Multiculturalism Act. I look forward to hearing about the work undertaken by the Province in this very important area. (*ibid.*)

Based on the archived ministerial correspondence of Gerry Weiner, it appears Terence Donahoe did not write back to the Federal Minister to further discuss the matter.

The combination of problem acknowledgement and tentative solutions in the Government's statements represent the activation of the mechanism of *deliberate neglect* in a process of policy drift. Clear demands for reform are avoided without consideration to the detrimental effects of such inaction in a context so conducive to institutional change. The opportunity for reform a critical juncture provides gradually escapes policy-makers as time passes.

Reforms are most meaningful to the actors that seek them when the timing of those decisions coincides with the social and historical context in which claims for change are presented. In essence, when policy entrepreneurs generate and advocate for new policy ideas to replace extant and failing arrangements (Donnelly and Hogan 2012: 331). Inaction, on the other hand, sends the message that their concerns were not considered legitimate and their demands for policy change were not deemed worthwhile.

The report of the NSAGRR provided a first clear articulation of the incongruity between the province's multiculturalism policy and the socio-political context of Nova Scotia. Alternative rules that could potentially remedy the incongruity were presented. The solutions were then formally acknowledged by political actors with the authority to enact them. However, the decision to instead put aside reforms displays deliberate neglect that can only widen the gap between context and policy, as the latter slowly begins to drift into obsolescence. The failure to reform the province's *Multiculturalism Act* in a moment of intense social demands and recognition of the policy's outstanding problems undoubtedly amounts to a missed opportunity that will affect the policy's legitimacy and ability to meet society's most pressing challenges.

### *3.4 Deflecting Policy Reforms*

The Government of Nova Scotia did amend its *Human Rights Act* (section 26A) to establish a Race Relations, Equity and Inclusion division within the Human Rights Commission (Nova Scotia 1991: 5410). It provided the division with an advisory and oversight role to assist and monitor the implementation by Government departments and agencies, as well as non-Government and private sector policies on race relations, affirmative action and settlement agreements (Nova Scotia 1989: s.26A(2)(b)(c)). Yet, Bill 136 to amend the *Human Rights Act* was tabled in May of 1991 and

received the Royal Assent on July 11, just a few days before the outburst of racial tensions that prompted the formation of the Advisory Group on Race Relations. Given the success of the reform process for Bill 136 and the exceptional social context of the Summer of 1991, the Nova Scotia Advisory Group members appeared poised to reform the *Multiculturalism Act* as well as to ensure its activities concur with the new functions of the Human Rights Commission. So, as time passed after the release of the NSAGRR's report, some of its members and opposition MLAs began to voice their dismay at the Government's reluctance to amend the *Multiculturalism Act*. In early June 1992, Reverend Ohanaka of the Black United Front and member of the NSAGRR was cited in the Halifax Chronicle-Herald expressing anger over "a lack of real change in the last year" (Nova Scotia 1992: 9960). Ditto for Liberal MLA Gerald O'Malley who tabled a resolution on June 9, 1992, urging the Government "introduce amendments to the [Multiculturalism] Act which embody the full intention of the Advisory Council's recommendations", most notably those which pertain to "eliminate racism and discrimination" (*ibid.*: 9789). O'Malley proceeded to question the Minister of Tourism and Culture, Gregg Kerr, as to why the Government of Nova Scotia did not accept and only endorsed the principle of the recommendation for "mandatory cross-cultural/anti-racist training program for all employees of the hospitality industry" (NSAGRR 1991: 16). Even though O'Malley's question and the NSAGRR's recommendation were directed at the Minister of Tourism and Culture, Attorney General Joel Matheson stepped in to answer for his colleague because Matheson had submitted the Government of Nova Scotia's response to the Advisory Group report. However, Matheson, also Minister responsible for Human Rights, did not confirm his Government would introduce mandatory cross-cultural and anti-racism programs, and simply reiterated his government's acceptance of the principle and willingness to work with

associations from the province's tourism industry to "reflect the cultural diversity of Nova Scotia" (Nova Scotia 1992: 9959).

This exchange revealed something important about the Government of Nova Scotia at the time of a critical juncture for multiculturalism policy in the province: the absence of a *political entrepreneur*. Political entrepreneurs translate ideas into formal rules and/or established practices when specific contextual factors enable their agency (Bakir and Jarvis 2017: 466). A *policy entrepreneur* will seek the acceptance of an alternative idea in law or by executive fiat, and eventually push for its implementation into practice (*ibid.*: 467). A *political entrepreneur* will consolidate this idea by allocating time and coordinating resources, producing political change that has enduring effects in the form of new programs, policies or organizations (Donnelly and Hogan 2012: 331). In his response to Gerald O'Malley's question on reforming the *Multiculturalism Act*, Attorney General Matheson said that both the Civil Service Commission and Human Rights Commission would be involved in the development and enforcement of cross-cultural training programs (Nova Scotia 1992: 9961). The Department of Tourism and Culture was yet again left out of the conversation, despite being the subject of the question and the ministry responsible for multiculturalism. Whether in response to the report of the Royal Commission on the Donald Marshall, Jr., Prosecution, or the Nova Scotia Advisory Group on Race Relations, or questions in the Legislative Assembly, successive PC governments in Nova Scotia (1978-1993) consistently rejected claims for broadening the scope of the province's multiculturalism policy to help combat racial discrimination. Despite repeated claims from civil society groups and public inquiries identifying a need for robust anti-racism measures, no Minister of a PC cabinet in Nova Scotia defended the idea of linking social justice and multiculturalism during this moment of great fluidity and opportunity for agency. The idea of making social justice a core component of Nova Scotia's

multiculturalism policy originated from outside the executive, either from grass-roots activists or members of the opposition parties. Ultimately, it did not find support among cabinet ministers, thereby precluding the possibility of translating the idea into policy despite a social context altogether conducive to such institutional change.

With that in mind, the 1993 general election in Nova Scotia presented a new opportunity for institutional change as the Liberal Party swept 40 of the 52 seats in the House of Assembly after 15 years of successive Tory governments. After all, the citizens of Preston had just elected the first Black representative, Wayne Adams, in the history of the Nova Scotia Legislative Assembly, more than 200 years after Black Loyalists first settled in the region<sup>52</sup> (Nova Scotia Legislative Library 2013: 4). The new Premier, Dr. John Savage, a family physician who had opened a clinic for black families in East Preston and former mayor of Dartmouth, was known to endorse socially progressive ideas (Bennett 2017: D4). Also, his Throne Speech opened the 56<sup>th</sup> Parliament with the promise “to deliver a significant reform agenda in all areas of public policy” (Nova Scotia 1993: 10). Savage promised his government would assume a position of leadership in promoting “tolerance and unity” and “embrace the benefits of multiculturalism” (Nova Scotia 1993: 82). By all accounts, Savage appeared poised to step-in and provide the political entrepreneurship needed to reform Nova Scotia’s multiculturalism policy. However, when Savage and his Liberal colleagues took office, they discovered Nova Scotia’s economy was on the brink of bankruptcy, performing far worse than they had anticipated (Clancy et al. 2000: 6-7). The public debt was nearing the unprecedented 6,8 billion dollar mark, about 38% of Nova Scotia’s GDP,

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<sup>52</sup> Preston has the highest percentage (69,4 per cent) of Blacks in Canada (UNHRC 2017: 5). The area had been settled by Black Loyalists on land granted by the British Crown for their service in the American Revolution (1775-1783) (*ibid.*). The electoral district of Preston was created in 1992 following recommendations of the Electoral Boundaries Commission in order to promote more effective representation of the Black community in the Legislature (Nova Scotia Legislative Library 2013: 4).

with interest payments costing the province \$804 million in the fiscal year 1992-93 (Nova Scotia 1993: 8; Wrobel 1993). Consequently, in order to “put our own house in order” (*ibid.*: 9), the Liberal’s first budget speech called for major expenditure cuts, raised taxes and user fees, and reduced the salaries and number of civil servants (Clancy et al. 2000: 9). Much to the chagrin of Savage, the severe fiscal restraints forced Nova Scotia’s government to curtail plans to increase spending on social policy initiatives, including multiculturalism programs and services (*ibid.*). In the end, the Savage government’s Cabinet “collectively made a policy impact rarely seen over the life of a one-term government” (*ibid.*: 26). They transformed public procurement and hiring procedures and introduced new standards of ethics, accountability and transparency (e.g. *Freedom of Information and Protection of Privacy Act*, 1993) in a province whose political culture was deeply rooted in patronage (*ibid.*: 16). In spite of the major changes to the structures of education, health, transportation services and government hiring, as well as their remarkable elimination of the budget deficit in just four years, the Savage government became spectacularly unpopular due to its drastic austerity measures (*ibid.*: 27). By the time it announced Nova Scotia’s first budget surplus in over two decades, the “Savage Years” were drawing to a close as the Premier resigned in 1997<sup>53</sup>, before any attempt was made to extend his reform agenda to multiculturalism policy. Thus, in spite of his reformer qualities and personal concern for social justice, Premier Savage did not emerge as the political entrepreneur needed to realign the province’s multiculturalism policy with its social context.

Meanwhile, insofar as racial tensions did slowly subside, problems of prejudice did not, however, come to an end during this period of institutional transformation. In 1997, in the

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<sup>53</sup> The *Globe and Mail*, Canada’s most read national newspaper, published a highly critical editorial soon after Savage’s resignation, blasting Nova Scotians for having “got rid of the best premier your province has had in a generation” (*Globe and Mail* 1997: D6). The typically right-of-centre editorial board praised Savage for having drastically reformed a government that was “sluggish, inefficient and riven with patronage” (*ibid.*).

landmark *R. v. S. (R.D.)* ruling from the Supreme Court of Canada that advanced jurisprudence on the reasonable apprehension of bias in a court of law, Justices Claire L’Heureux-Dubé and Beverley McLachlin recognized that the reasonable person, in this particular case, must be deemed “cognizant of the existence of racism in Halifax, Nova Scotia” (*R. v. S. (R.D.)* [1997]: at. 47). This was the first litigation case explicitly arguing a race issue before the Supreme Court of Canada in the context of constitutional equality rights – section 15 of the *Canadian Charter of Rights and Freedoms* – and it therefore had the potential to be precedent-setting (Aylward 2009: 213). In addition, the original trial (*R.D.S. v. The Queen* [1994]) presented a setting absolutely unique in the history of Canadian law: “in court that day were a black female judge, a black male lawyer, a black court reporter, and the black accused [...] it was the kind of scene the Marshall Commission had hoped for” (*ibid.*: 214).

The Supreme Court ruling – cited more than 1,300 times in subsequent cases – upheld the appeal of R.D.S., a 15 year-old Black Haligonian accused of unlawfully assaulting a police officer, and restored his acquittal handed by the Nova Scotia Supreme Court (Trial Division) Judge Sparks, thereby overturning the Nova Scotia Court of Appeal’s decision. The litigation team’s strategy had been to argue that the Court of Appeal’s allegation of a reasonable apprehension of bias only arose in this case because Judge Sparks was a black female judge who, “in adjudicating a trial of a black accused, explicitly recognized that the case had racial overtones” (*ibid.*). It is precisely this point of analysis over the reasonable apprehension of bias that brought the Supreme Court Justices to nullify the Court of Appeal’s decision and restore the Trial Judge’s ruling. Justices L’Heureux-Dubé and MacLachlin arrived at the conclusion that:

While it seems clear that Judge Sparks did not in fact relate the officer's probable overreaction to the race of the appellant R.D.S., it should be noted that if Judge Sparks *had* chosen to attribute the



behaviour of Constable Stienburg to the racial dynamics of the situation, she would not necessarily have erred. As a member of the community [of Halifax, Nova Scotia], it was open to her to take into account the well-known presence of racism in that community and to evaluate the evidence as to what occurred against that background. (*R. v. S. (R.D.)* [1997]: at. 56)

This decision from the highest court in Canada further evidenced the unique social context of Nova Scotia and the need for institutional change that acknowledges and adapts to the challenge of eliminating systemic racism and individual prejudice. To the same degree as judicial analysis, public policies that ignore the possible racial dynamics of a situation or social context will perpetuate racism. Hence why the Supreme Court Justices insisted on “the importance of perspective and social context in judicial decision-making” when “judging in a multicultural society” (*ibid.*: at. 28). Regardless of its “substantial contribution to challenges to racism in Canada” (Aylward 2009: 216), the *R. v. S. (R.D.)* decision, which came at the end of the Savage government, did not prompt a review of the province’s multiculturalism policy.

Only years later, inserted discreetly in the Province of Nova Scotia’s Government Business Plan for the fiscal year 2002-03 was an announcement that the Department of Tourism and Culture would work in partnership with the Multicultural Association of Nova Scotia (MANS) to initiate a review of the *Multiculturalism Act*. The object of the review was to “determine if legislative amendments are required to support Nova Scotia’s multicultural community” (Nova Scotia 2003: 136). The topic of the review was then brought up in the House of Assembly’s Standing Committee on Public Accounts on May 7, 2003. The Minister of Tourism and Culture, Progressive Conservative Rodney MacDonald, reaffirmed that his Department would begin putting in place a “multiculturalism strategy” to support Nova Scotia’s *Multiculturalism Act* (Nova Scotia 2003: 647). Invited to speak on the topic of this strategy before the Standing Committee, Dianne Coish,

Executive Director of the Department's Culture Division, confirmed they had established an external working group with representatives from MANS to "undertake an inventory of government policies, programs and services that have a multicultural component, with a view of identifying service delivery gaps" (Nova Scotia 2003: 29). The senior civil servant identified the Australian State of Queensland as a source of inspiration<sup>54</sup>, whose multiculturalism policy was according to Coish sponsored by the Premier and his Cabinet with "specific strategies that focus on community infrastructure, service delivery and a registry of multiculturalism advisers" (*ibid.*). As for the projected timing of the amendment bill, the Executive Director Coish admitted that the Minister had not provided a deadline (*ibid.*: 28). The NDP's Maureen MacDonald responded with astonishment to the review as she learned that Nova Scotia had in fact a *Multiculturalism Act* and corresponding Cabinet Committee, adding that clearly, "multiculturalism has been relegated to a very marginal status" (*ibid.*: 27).

This assessment of the province's multiculturalism policy would eventually be confirmed. For, even though the Government's Business Plan and Minister of Tourism and Culture announced pending changes, in addition to the work of the House Subcommittee and Culture Division's external working group, John Hamm's PC government did not introduce amendments to the *Multiculturalism Act*, nor did it bring any noticeable changes to the province's multiculturalism programs and services. The policy remained focused on providing grants and contributions to community organizations like MANS that promote and help to preserve the province's multicultural identity. On multiple occasions, government officials recognized the gap between policy and social context, but reform attempts were repeatedly deflected. As a result, the executive

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<sup>54</sup> Curiously, Queensland did not yet have an official multiculturalism policy in 2003, unlike New South Wales for instance. In fact, it was only in 2016 that the State proclaimed the Queensland Multicultural Policy, enshrined in the *Multicultural Recognition Act 2016* and supported by the Multicultural Queensland Charter (Queensland 2016: 2).

was left with the power to interpret and apply the Act's ambiguous rules to their own discretion. The process of acknowledging the problem and avoiding reforms showcases the activation of the mechanism of *deliberate neglect* that has caused Nova Scotia's multiculturalism policy to slowly drift into obsolescence.

### 3.5 A Policy's Drift into Obsolescence

The 2009 Nova Scotia election of the first New Democratic Party government in Atlantic Canada appeared to mark the beginning of a new era for social justice as the Speech from the Throne paid homage to the late Donald Marshall Jr. (Nova Scotia 2009: 9). On April 15, 2010, the NDP government of Nova Scotia used the Royal Prerogative of Mercy to grant a Free Pardon to Viola Desmond<sup>55</sup>. On the day of the occasion, the Minister of African Nova Scotian Affairs, Percy Paris, called Viola Desmond "a symbol of defiance and non-compliance [...] in the face of discrimination and injustice" (Nova Scotia 2010: 910). Although the official apology served to redress wrongs committed 64 years ago, Nova Scotians were soon reminded that racial prejudice was still alive and present in their community. A series of events would ultimately lead to the unveiling of a Culture Action Plan for the province, containing proposals to amend the *Multiculturalism Act*, just as the Multicultural Association of Nova Scotia was suddenly falling apart.

The first of these events came in November 2011, when the Nova Scotia Provincial Court convicted Justin Rehberg for the criminal offence of inciting racial hatred against an identifiable group. He and his brother Nathan set ablaze a large wooden cross on the front lawn of a home where a bi-racial couple lived with their five children in the small rural community of Avondale,

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<sup>55</sup> A Free Pardon is based on the notion of innocence and recognizes that the conviction was an error. A free pardon is considered an extraordinary remedy, exercised under rare circumstances. Viola Desmond's free pardon is the first ever granted in Canada to a person who is deceased (Nova Scotia 2010: 909).

Nova Scotia. One of the family's older children overheard someone near the burning cross shout, "die, nigger, die" (*R. v. Rehberg* 2010: 2). This was the first time in Canada that a cross burning was defined as a hate crime in a court of law (*Globe and Mail* 2011: A5). Brother Nathan Rehberg was later convicted of criminal harassment and inciting racial hatred by the Nova Scotia Supreme Court (*ibid.*).

Then, in November 2012, a petition began to circulate calling on the government to commission a public inquiry into allegations of institutional abuse suffered at the Nova Scotia Home for Colored Children (NSHCC). For several days, the leaders of the two opposition parties repeatedly demanded that the government launch a public inquiry as the petition quickly gathered over a thousand signatures (Nova Scotia 2012: 4364). However, the NDP government of Darrell Dexter preferred to let the RCMP conduct its criminal investigation before taking any further steps (*ibid.*: 4365). In fact, Premier Dexter expressed scepticism towards the effectiveness of a public inquiry, stating:

I agree with the concept of being able to heal a community and be able to heal a group of people. Unfortunately, the record of public inquiries is that they don't do that. In fact, what they do is they drive wedges through communities. They create even deeper divisions. They are not mechanisms that seek justice, they don't make findings of guilt nor do they in any way establish a framework for reaching what people really want, which is some way to heal the hurt that they feel. (Nova Scotia 2012: 4581)

Yet, the Premier offered no alternative solution, simply saying that his government was looking into finding an "appropriate response" to the matter (*ibid.*). But as pressure continued to mount, in March 2013, the Throne Speech opening the fifth session of the 61<sup>st</sup> legislature announced that "an

independent panel will be developed in consultation with members of the African Nova Scotian community” to investigate allegations of abuse at the NSHCC (Nova Scotia 2013: 12). This was perhaps too little too late into the NDP government’s mandate, as the Liberal’s swept into power three months later with a 35-seat majority. The new Premier, Stephen McNeil, offered an official apology on behalf of the province to “those who suffered abuse and neglect” at the NSHCC and concluded a \$29-million settlement with former residents of the home (Nova Scotia 2014). This was followed by the creation of a Restorative Inquiry to examine “the history and legacy of systemic and institutionalized racism”, to inquire into how this has impacted African Nova Scotians and empower the victims by providing a model for restorative justice (Nova Scotia 2015: 4-5). In the midst of all this, the HRC conducted a study on racial profiling in the province. Two decades after incidents of the sort in Halifax bars triggered major race riots, the HRC’s report *Working Together to Better Serve Nova Scotia* revealed the persistence of racism in Nova Scotia, but of a different kind than the more overt forms of discrimination of yesteryear. Drawing on the scholarship of Frances Henry and Carol Tator and their concept of “democratic racism” (Henry et al. 2009: 110-111), the authors of the report concluded:

The democratic principles, such as social justice and equality are ingrained into the values and behaviours of Nova Scotians, coexist and conflict with racial and ethnic stereotypes and racist behaviours. The result is often discrimination that is expressed through a “discourse of denial”, which is based on concepts such as “being colour-blind”, victim blaming, and multiculturalism. (NSHRC 2013: 100)

The report confirmed what the NSAGRR argued twenty years earlier regarding a real need to integrate anti-racism in the province’s multiculturalism policy. A superficial recognition and

celebration of diversity would only serve to gloss-over long-held and persistent racial prejudice, rather than conduct research and inform the public on the experiences of racialized minorities and their rights, deconstruct prevailing racial myths and rebuild community relationships in Nova Scotia. The consistent reluctance to truly make social justice a principle aim of the province's multiculturalism policy in a context that clearly required it ultimately undermined the policy's usefulness and message of harmony.

With the opening of the third session, the McNeil government's Throne Speech announced the coming release of Nova Scotia's first Culture Action Plan and yet another promise to reform the province's multiculturalism policy (Nova Scotia 2016: 3). Produced by the Department of Communities, Culture and Heritage, the Culture Action Plan's section on the advancement of cultural diversity is unequivocal:

While we have been blessed by diversity, we need to also acknowledge there are things in our society that must change, must improve. A culture is not just built on successes, pride, and goodwill; a culture holds on to our defeats, our grief, and our most shameful decisions. [...] All cultures can uplift and inspire and can also disappoint and betray. Nova Scotia is no different. To this day, long-standing prejudices have devastating social and economic echoes and impacts, particularly in our African Nova Scotian community. This theme takes inspiration and momentum from The Nova Scotia Home for Coloured Children Restorative Inquiry. (Nova Scotia 2017: 13)

As a result, the Action Plan has committed to update the province's *Multiculturalism Act* of 1989, specifically to "address systemic racism and discrimination and acknowledge head-on that these remain problems" (*ibid.*).

As irony would have it, however, while the Department of Communities, Culture and Heritage was putting the final touches on their Culture Action Plan, news broke out that the Multicultural Association of Nova Scotia (MANS) was in dire straits. After the sudden cancellation of Halifax' Multicultural Festival, suspicion grew and a CBC investigation uncovered an association "at risk of collapsing under a slew of lawsuits, funding deficits and general disarray" (CBC 2016). Founded as a charitable association in 1975, MANS ran primarily on grants and is consistently presented in parliamentary debates as the main partner for advice and implementation of multicultural programs and services. In 2015, the Department withheld MANS' annual grant because the association had not filled financial statements in years. In 2017, it revoked its charitable status (CBC 2017). Following a \$23,000 lawsuit from the RBC – a festival sponsor since 2008 – and another from Bourque Security Services for \$3,500 in unpaid security bills, the three remaining board members began selling off the organization's remaining assets (*ibid.*). The collapse of MANS is the latest and most emblematic demonstration of the process of policy drift in Nova Scotia. A long trail of deliberate neglect had left the organization most closely affiliated to the province's multiculturalism policy unaccountable for its actions. The demise of MANS is the inevitable result of an institution that failed to update to the needs of its evolving socio-political context and therefore drifted into obsolescence. By the end of 2019, no bill had been presented to amend the *Multiculturalism Act* in accordance with the Culture Action Plan proposal. Perhaps this time, the critical juncture that opened three decades ago had finally drifted out of reach and shut itself off for good.

## *Conclusion*

Nova Scotia has a unique history of civil rights struggles, but the story of struggling to overcome the pernicious effects of racial prejudice is not unique to Nova Scotia. Similar forms of segregation in restaurants, theatres and public schools happened elsewhere in Canada, particularly in Ontario where most of those fleeing slavery along the Underground Railroad ended up (Reynolds 2016: 50-54). There were also cross burnings and white supremacist rallies in Provost, Alberta, in the 1990s that lead to human rights charges (*Kane v. Church of Jesus Christ Christian-Aryan Nations* [1992]). Thus, it is a story that is very much steeped in the history of Canada as a colonial settler state, from the displacement of Indigenous communities and exclusion of undesired immigrants to the more subtle forms of racial profiling and double standards. This clashes with common understandings of Canada as a beacon of respect and a mosaic of cultural diversity living in harmony. Underneath the veneer of symbolic affirmations of multiculturalism may lie structural problems of racial inequality that do not always receive the right attention and resources to deconstruct these real issues. In fact, a 2017 report from the UN Working Group of Experts on People of African Descent concluded:

Despite Canada's reputation for promoting multiculturalism and diversity and the positive measures taken to address racial discrimination, the Working Group is deeply concerned about the human rights situation of African Canadians. Canada's history of enslavement, racial segregation and marginalization has had a deleterious impact on people of African descent, which must be addressed in partnership with communities. Across the country, many people of African descent continue to live in poverty and poor health, have low educational attainment and are overrepresented in the criminal justice system. [...] History informs anti-Black racism and racial stereotypes that are so deeply entrenched in institutions, policies and practices, that its institutional



and systemic forms are either functionally normalized or rendered invisible, especially to the dominant group. This contemporary form of racism replicates the historical de jure and de facto substantive conditions and effects of spatial segregation, economic disadvantage and social exclusion. (UNHRC 2017: at. 33)

The case of Nova Scotia's multiculturalism policy is a fitting illustration of this historically overlooked problem. In this chapter, we have shown how a policy that appears functional can actually drift into obsolescence. This happens when there is a growing tension between the policy and its socio-political context. We have conceptualized this process of policy drift in five successive stages.

First, as Nova Scotia's *Multiculturalism Act* is tabled in the Legislative Assembly in 1989, we witnessed the *opening of a critical juncture* as two ideas collide: multicultural identity and social justice. With multicultural identity measures, there is a belief that by offering recognition, respect and reflecting diversity in public institutions, people of all ethnocultural backgrounds will feel a sense of belonging, thereby helping to overcome problems of discrimination. Social justice, on the other hand, seeks measures that will ensure equitable treatment and opportunity by combating racial prejudice and its effects on the material conditions of racialized minorities. Policy makers in Nova Scotia treated social justice as a human rights issue that should be kept separate from multiculturalism so as not to create confusion and duplication of functions. In return, institutional rules were defined in broad, ambiguous terms, leaving the Minister responsible for multiculturalism high discretionary power to adapt programs to the evolving social context.

It quickly became apparent that such adaptation was required as the social context was changing, but that the Minister was not making those changes. In this second phase of *contention over the policy outputs*, members of the opposition continued to ask the government to incorporate

anti-racism provisions into the *Multiculturalism Act* following the Marshall Commission revelations of systemic problems of racism in the conduct of law and order procedures. Alternative rules were presented that could potentially rectify the Act's shortcomings. However, as time went by, defenders of the status quo maintained their upper hand as communication among federal officials keeping a close eye on the situation reported no noticeable change to Nova Scotia's multiculturalism policy outputs.

Suddenly, an escalation of tension lead to full-blown race riots across the province, forcing public officials to acknowledge the problem of racial prejudice in Nova Scotia. The violent confrontations of the summer of 1991 eventually brought together representatives from the Black community, the City of Halifax, and the governments of Nova Scotia and Canada, to try and solve the crisis. The report of the Nova Scotia Advisory Group on Race Relations provided valuable *policy entrepreneurship* and a clear recognition of the growing incongruity between a multiculturalism policy that refuses to incorporate provisions to combat racism embedded within a social context of overt racial conflict and prejudice. In this third phase of the process we can see the activation of the mechanism that causes policy drift, what Streeck and Thelen refer to as "deliberate neglect" (2005: 31). We posit that it is in this phase of *recognition* that the mechanism of deliberate neglect is activated. For drift to be more than mere accidental, there has to be proof that the disconnection between policy outputs and social context was acknowledged by actors placed in a position of authority. Once we can establish beyond reasonable doubt that those actors were made formally aware of this developing anachronism and chose not to implement the proposed remedies, we can then clearly delineate a pattern of deliberate neglect.

The election of a reform minded and socially progressive Premier, Dr. John Savage, brought renewed hope that the province would amend its *Multiculturalism Act* to finally make

tackling racial prejudice a priority. However, worsening economic conditions made deficit reduction the absolute priority of the “Savage Years” (1993-1997), often to the detriment of much needed social policy initiatives. This fourth phase of the process of policy drift underscores the importance of two factors when it comes to policy reforms: *timing* and *agency*. The further we move away in time from the opening of the *critical juncture*, this moment of fluidity and concurrent ideas that give the impetus to the politics of institutional formation, the harder it becomes to transform those institutions. Priorities change, political will fades, and reform attempts are *deflected* in the most unconcerned and inconspicuous of ways (e.g. no follow-up to promises made during a Standing Committee on Public Accounts). More importantly, deliberate neglect is made possible by the absence of a *political entrepreneur* whose authority status and skilled advocacy of a policy idea within a context conducive to its uptake is absolutely central to the policy-making process (Bakir and Jarvis 2017: 465). Otherwise, the policy idea will, in all likelihood, slowly and discreetly fade into oblivion.

Finally, just as the province was moving in the direction of a deeper understanding and investment in social justice – with Viola Desmond’s free pardon and the NSHCC Restorative Inquiry – the community is given another painful reminder of the depth of the long neglected problem when the HRC released its report on racial profiling, which was soon followed by two criminal convictions for inciting hatred towards African Nova Scotians. Ultimately, the collapse into financial ruin of the Multicultural Association of Nova Scotia, the province’s longest standing non-government organization serving the multicultural sector, exemplified the gradual process of policy drift, the effects of deliberate neglect and passing of the critical juncture. A lack of oversight, of clear and binding institutional rules for compliance, and the high discretionary power

in the hands of the Minister allowed Nova Scotia's multiculturalism policy to remain out of touch with its socio-political context and lack direction and purpose.

Over the years, activists in Nova Scotia have persistently demanded that the province's multiculturalism policy incorporate clear anti-racism provisions. Frustrated by the lack of genuine interest to reform institutions, activists have progressively channelled their efforts towards specific issues<sup>56</sup>, rather than broad policy goals like multiculturalism. Piecemeal institutional reforms than appear as part of the solutions considered during these public inquiries into issues of racial discrimination in the province. Multiculturalism is a policy that nevertheless benefits from broad public support and so could have been used to serve the collective good by doing much more than celebrating and preserving the cultural heritage of Canadians. The province has recently embarked on plans to reform Nova Scotia's multiculturalism policy as part of the Culture Action Plan. However, the task of overcoming 30 years of deliberate neglect may require changes more fundamental than simply updating the *Multiculturalism Act* of 1989. A strategy of *policy displacement* could be a way of restoring faith and legitimacy in an institution whose reputation is evidently damaged. We will examine this type of process in our chapter on the gradual process of institutional change in New South Wales, Australia. But first, we turn our attention to another case of consolidating the status quo. Though unlike the mechanism of deliberate neglect seen in the case of policy drift, it occurs through the repeated intervention of policymakers to update institutions in a process we call *policy layering*.

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<sup>56</sup> For example, a petition in 2012 for a public inquiry into the allegations of institutional abuse at the Nova Scotia Home for Coloured Children eventually led to the final report in 2019 after four years of public hearings. Activists condemning police street checks that disproportionately target Black Nova Scotians (CBC 2019) led to a scathing report from the NS Human Rights Commission (NSHRC 2019) and changes to police practices.

## Chapter 4

### Policy Layering in South Australia

*I wish to state that what hurt us more than all the insults and hardship we were forced to endure during our two years of internment, was the fact that we should have to suffer all this at the hands of our own men and in our own country!*

Daisy Schoeffel, Sydney, New South Wales, 1920<sup>57</sup>.

Unlike the convict settlers that arrived in Australia before them, Old Lutheran Germans escaping religious persecution in Prussia formed most of South Australia's first settlers. Seeking refuge, they began arriving just after the proclamation of Australia's newest colony in 1836 (Jupp 2018: 84). For by the 1830s, a movement to assert the equal rights of all colonists in Australia had gathered enough support to force the abandonment of penal transportation (Macintyre 2016: 77-8). As a result, South Australia was founded as a free colony, untainted by convicts and with no official religion to prevent settlers from worshiping as they pleased. Germans were part of a new class of "free" migrants arriving in increasing numbers and were the largest non-British group resident in Australia during the nineteenth century (Castles 1991: 2). They formed villages in South Australia like Hahndorf, Klemzig and Lobethal, attracting further German migration. Their presence in the region surrounding the Adelaide Hills grew to a point where the Barossa Valley developed its own dialect, the *Barossadeutsch* (Ioannou 2018: 7).

However, the adoption of a federal constitution and centralized immigration legislation in 1901 sharply reduced the entry of non-British migrants throughout Australia. Moreover, as the empires of Europe began fractioning into nations and feuding over territory, hostilities on the old continent soon turned German settlers into "enemies within" given Australia's resolute loyalty to

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<sup>57</sup> Fischer, Gerhard. "...at the Hands of Our Own Men and in Our Own Country!" *Australian Journal of Politics & History*, 30, no. 3 (1984): 394.

Britain. With the outbreak of World War I, principles of liberal democracy, based on the rule of law, personal freedoms and civil rights were radically curtailed. This is how Ms. Daisy Schoeffel, an Australian married to a German national, was interned, her property seized and refused access to legal counsel or judicial appeal. All of a sudden, members of the German-Australian community were transformed from law-abiding citizens with equal civil rights to suspicious foes subject to a treatment normally reserved to criminals. The main target of the Commonwealth government's wartime policies was the once highly visible and proud German-Australian community. For the closing of German clubs and Lutheran schools, the prohibition of German-language newspapers and journals, along with the changing of German town names all accompanied the arrests, detention and deportation measures of the *War Precautions Act*<sup>58</sup> (*ibid.*: 471). Nowhere was this felt more acutely than in South Australia, the State with the highest proportion of immigrants of German background and with distinct areas of group settlement (*ibid.*: 471). Many had settled freely in Australia to escape persecution, and yet, having committed no crime, were forced into detention or deportation.

The adoption of the *South Australian Ethnic Affairs Commission Act* in 1980 marked a radical break with past policies of exclusion and assimilation. The significance of this Act was to

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<sup>58</sup> The *War Precautions Act* and *Unlawful Associations Act* of 1914 granted the extraordinary executive powers to intern and deport without trial or judicial appeal Australian residents identified as "enemies of the state" or "enemy aliens" (Fischer 1995: 453). The following year, paragraphs 55 and 56a were added to the *War Precautions Regulations* to enlarge the powers of the Minister of Defence "to cover the internment of disloyal natural born subjects of enemy descent, and persons of hostile origins or association" (*ibid.*: 469). In total, 6,890 people were interned in Australia during WWI and 6,150 persons were "repatriated" (i.e. deported) to Germany after the war (*ibid.*). World War II measures proved no less draconian. In August 1939, the Liberal government of avowed monarchist Robert Menzies adopted the *National Security Act* (Saunders 2003: 35). Once again, this applied to both "enemy aliens" and naturalized British subjects of "enemy alien origin" (*ibid.*: 35-6). As Italy (1940) and Japan (1941) joined the Axis forces, the Australian population of "enemy alien origin" expanded substantially. In fact, Italians were the largest single ethnic group interned throughout the war. In total, 4,754 Italians, 2,013 Germans, 1,141 Japanese and people from 24 other nationalities were detained during the hostilities. The only departure from the previous war was the establishment of an Aliens Tribunal where internees could lodge an appeal, except for people of Japanese nationality or descent (*ibid.*: 36-7). They were excluded from any legal recourse and forced to remain in detention throughout the war.

affirm a right to cultural freedom. Never again should the people of South Australia be forced to repress their language and cultural identity in fear of repression in the way German-Australians and others had to between 1914 and 1945. This was in line with the social reforms of South Australia's former Premier Don Dunstan, who led the country in prohibiting racial discrimination in 1966 (see chapter 2, section 2.6). From a policy perspective, it also meant that the State had a duty to recognize and accommodate cultural diversity in its provision of public services to enhance civic participation. This was one of the guiding principles of the Galbally Report on equal access to programs and services. During its first years of existence, the Commission was primarily concerned with providing information and interpreter services in languages other than English, along with general advice on ethnic affairs and immigration issues to the Government of South Australia (SAEAC 1987: 5). In addition to providing immigrant settlement and interpreter services, the Commission had the undefined "main principle of [...] promoting multiculturalism" (SAEAC 1983: 1). The South Australian Ethnic Affairs Commission (SAEAC) therefore laid the foundation for the State's multiculturalism policy in the early 1980s.

The State nevertheless needed to give a clear definition to "promoting multiculturalism", which was not included in the SAEAC Act. Furthermore, the Commission and Government of South Australia needed to show how multiculturalism applies to its public policies. Is it simply a matter of recognizing and promoting the State's multicultural identity? Is it a policy for the integration of immigrants and refugees? How would it incorporate social justice measures, if at all? Towards the end of the 1980s, there was growing division over the meaning and effectiveness of multiculturalism, especially after the release of the controversial FitzGerald Report by the Commonwealth Government in 1988 (see chapter 2, section 2.6). This marked the opening of a critical juncture for South Australia to define its conception of multiculturalism and the steps it

would take to apply it in practice. This chapter examines how South Australia's multiculturalism policy changed since it became an official policy of the state in 1989. In doing so, we explain why South Australia gradually changed its multiculturalism policy through a process of policy layering.

In chapter 1, we explained that while policy drift is an *inactive* strategy of deliberate neglect, policy layering is an *active* strategy requiring the repeated intervention of policymakers to update institutions. However, we see the process of policy layering as having two possible and contrary outcomes. The first occurs when incremental changes have a profound impact as the amendments alter the logic of the institution or compromise the reproduction of its original objectives (Mahoney and Thelen 2010: 16). This outcome is driven by a mechanism of *differential growth*, whereby layered institutions created in parallel to the original one, grow faster, syphon support and destabilize the initial policy (Streeck and Thelen 2005: 31). The second outcome occurs as complementary or overlapping institutions create new categories of beneficiaries without overhauling the original institution and its policy intent (Bick 2016: 345). We argue this outcome is driven by a mechanism of *path dependence*, where layered rules consolidate the status quo rather than depart from it. In short, the former occurs when "one institution directly challenges another parallel institution, wearing away support for that institution" (Rocco and Thurston 2014: 44); while in the latter case, the duplication of institutions serving a similar purpose reinforces the initial objective of the policy. We argue this second scenario of consolidating the status quo through piecemeal alterations that do not fundamentally challenge the governing rules and principles of the institution is what best summarizes the process of policy layering that occurred in South Australia. Consequently, we conceptualize the process of policy layering according to the following five stages that mark its operation:



**Table 4.1 Process of Policy Layering**

|                  |                                                                                                                                                                  |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) Opening       | ▪ A critical juncture appears amidst tension between the public policy and its social context.                                                                   |
| 2) Contention    | ▪ Actors present reforms that could potentially resolve the tension between context and policy.                                                                  |
| 3) Alterations   | ▪ New institutions that perform similar functions are created alongside old ones; and new categories of beneficiaries are added to existing government programs. |
| 4) Consolidation | ▪ Additional rules lower discretionary enforcement opportunities; more amendments ensue to modify the policy.                                                    |
| 5) Layering      | ▪ Piecemeal alterations consolidate the status quo.                                                                                                              |

We argue that South Australia's multiculturalism policy changed incrementally through a process of layering. This resulted in the creation of new institutions alongside old ones performing similar functions that actually consolidated the status quo rather than challenged it. Driven by a mechanism of *path dependence*, new categories of beneficiaries were added to existing programs, thereby reinforcing the original goals. Over the years, the State has performed multiple reviews of its multiculturalism policy and amended its legislative statute several times. Through it all, the policy has remained committed to the promotion and preservation of the State's multicultural identity and the civic participation of immigrants and ethnocultural minorities. Despite creating parallel institutions whose purpose is to combat racism and other forms of discrimination, these social justice issues have never figured prominently within South Australia's multiculturalism policy. This chapter will show how successive incremental changes have only reinforced the original ideas and objectives of South Australia's multiculturalism policy. It explains why adding layers of programs and beneficiaries did not destabilize existing institutions, but rather consolidated the policy's initial goals, as originally laid out by the State's *policy* and *political entrepreneurs* at the opening of the *critical juncture*.

#### *4.1 Opening of a Critical Juncture*

The Commonwealth Government twice implemented a policy of detaining specific ethnic minorities even though the census did not collect information on ethnicity. It was not until a question on ancestry was introduced in the 1986 census that the State could finally know with accuracy who were the German, Italian or Japanese formerly cast as “enemies within”. How their identity was determined before is unclear. Such ambiguities are part of what gave the Minister of Defence such high discretionary power during both World Wars. Most remarkable, despite the hardships and pressures to relinquish their cultural heritage, over 427,000 people selected German as part of their ancestry in the 1986 census (Castles 1991: 17). Most of them (59%) were in fact born in Australia (*ibid.*: 13) and one-quarter of them lived in South Australia (*ibid.*: 25). For instance, the town of Tanunda (formerly Bethanien) in the Barossa Valley recorded the highest proportion of people (33%) reporting German as their sole ancestry (*ibid.*: 22). Nowadays, towns like Hahndorf celebrate their trademark German heritage. Yet, only 1 in 50 people reporting German ancestry in 1986 actually spoke the language at home (*ibid.*: 31). This is a testament to the enduring sense of belonging that may inhabit members of a community with a shared cultural heritage long into linguistic assimilation, especially communities that experienced collective hardship.

The remainder of the population reporting German ancestry was part of the great migration that arrived soon after World War II. For the first time in Australia’s history, by the end of the 1960s, the majority of the overseas born population was not from the UK and Ireland (*ibid.*: 3). This was the outcome of reforms made to the immigration selection process earlier in that same decade. By the 1970s, further changes to make entry requirements non-discriminatory lead to a considerable increase of immigration from Asian countries, such as China, India, and Lebanon

(*ibid.*). It was amidst this rapid demographic change that the Government of South Australia established the Ethnic Information Service (EIS), in January of 1978. Housed within the Ethnic Affairs Branch of the Premier's Department, the EIS had three regional offices (Whyalla, Felixstow, and Berri) and provided a range of services helping clients get in touch with the proper authorities to solve compensation issues, get assistance for translation and recognition of overseas qualifications, as well as legal counsel and lodging discrimination complaints (SAEAC 1981: 5-6). Seeing the steadily increasing demand for these services, the South Australian Ethnic Affairs Commission (SAEAC) was established through an act of parliament in 1980. The Commission took over the existing Ethnic Affairs Branch and its services (*ibid.*: 1). The legislative statute formalized the service provision and coordination role of the Commission. It also provided for an annual budget and the autonomy to conduct research and advise the Minister on problems affecting ethnocultural minorities, including reporting on discrimination and recommending ways to avoid its recurrence (*ibid.*: 2).

The first challenge to South Australia's multiculturalism policy came in 1982, in the context of elections for both houses of the State Parliament. After its first full year of operation, the SAEAC developed a set of operational principles to guide its activities based on the powers and functions it received from the 1980 SAEAC Act. The first principle was to "assist migrants to participate equally" through improved access to public services, including English language training and interpreter programs, and better job opportunities (SAEC 1983: 2). The second principle was to promote multiculturalism, which implied the *right* of individuals to: a) "express and maintain their own ethnic identity" and b) "retain and develop their own cultures and languages". But promoting multiculturalism also implied the *responsibility* to acquire an understanding of: c) "Australian institutions, values, traditions, and cultural achievements" and d)

“other languages and cultures” (*ibid.*). The third principle was along the same lines in terms of promoting “greater understanding and co-operation amongst all ethnic groups” through “multicultural activities”, but with the added purpose of removing “any form of discrimination on the basis of race or ethnic origin” (*ibid.*). Hoping to challenge the David Tonkin Liberal government on the last point, the Labor opposition presented a Bill just two months before the November 1982 elections to amend South Australia’s *Racial Discrimination Act* (1976).

In spite of the partisan interests attached to the Bill, the supposedly neutral Commission nevertheless endorsed the main intent of the proposed amendments. Most notably, the SAEAC supported the suggestion to harmonize all anti-discrimination legislation<sup>59</sup> and that the State considers the possibility of allowing class action lawsuits and prohibiting acts of publicly inciting racial hatred (SAEAC 1984: 6). Naturally, the Bill lapsed when the State election was called a couple weeks later. But the Labor party’s platform promised to review “the structure, functions and powers of the Ethnic Affairs Commission of South Australia” if elected (*ibid.*: 3). The election resulted in a turnover, as the Labor Party’s John Bannon became South Australia’s 39<sup>th</sup> Premier and appointed Christopher Sumner as the Attorney-General and Minister of Ethnic Affairs. The new Government proceeded to simultaneously launch the Review of the SAEAC<sup>60</sup> and a Working Party on Anti-Discrimination Legislation on which the Commission was represented.

The *South Australian Ethnic Affairs Commission Act* was amended for the first time in 1983. Based on recommendations from the Review, the primary purpose of the amendments was to strengthen the Act’s enforcement and compliance standards. Under Section 22 of the Act, each Government agency would now have to prepare an annual statement of Ethnic Affairs

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<sup>59</sup> This referred to South Australia’s *Sex Discrimination Act* (1975), *Racial Discrimination Act* (1976) and *Handicapped Persons Equal Opportunities Act* (1981).

<sup>60</sup> Interestingly, the Chairman of the New South Wales Ethnic Affairs Commission headed the Review, accompanied by senior civil servants from South Australia’s Department of the Public Service Board (SAEAC 1984: 3).

Management Commitments (SAEAC 1986: 25). The Commission was given the added responsibility to provide advice to Government agencies on their ethnic affairs policies and monitor their implementation (*ibid.*). The reforms also made the Commission the principle provider of interpreting and translation services in the State of South Australia (SAEAC 1987: 5). To meet the demands of these new functions, the Treasury increased its allocation of funds to the Commission by 30% in the subsequent fiscal year (SAEAC 1986: 7).

However, with regards to anti-discrimination and social justice, the SAEAC was not given new powers, even though the Review criticized the lack of resources directed to “equal opportunity measures for ethnic minorities” (*ibid.*: 25). Instead, the Working Party on Anti-Discrimination Legislation agreed on providing separate legislation and institutions to oversee social justice issues. The result was the adoption of the *Equal Opportunity Act* in 1984. Under the Act, the Equal Opportunity Commissioner became the authority that investigates and attempts to conciliate complaints of discrimination on the grounds of race. Cases alleging racial discrimination would then be heard before the Equal Opportunity Tribunal (*ibid.*: 26). The Act did not establish any formal relationship between the SAEAC and Equal Opportunity Commission (EOC). The simultaneous legal reforms introduced to the SAEAC and EOC Acts nevertheless combined to form South Australia’s commitment to social justice and equity (SAEAC 1987: 11).

For, during the 1980s, Governments throughout Australia increasingly focused on the idea of “access and equity” when discussing multiculturalism (*ibid.*). This general consensus was enabled by the Australian Labor Party’s (ALP) dominance. Apart from long-lived conservative governments in Queensland and Tasmania, the ALP controlled four of six states and held power in Canberra. Thus, in 1985, the Commonwealth Government of Bob Hawke commissioned a Review of Migrant and Multicultural Programs and Services chaired by Dr. James Jupp. The Jupp

Review translated the idea of “access and equity” into the concept of “equitable participation”. In terms of equity, this meant a process of institutional change by which “overseas-born residents and their families are assisted to achieve outcomes available to other Australians” (Australia 1986: 1). All members of the community were henceforth entitled to the same standard of public services, which means the provision of those services might be delivered in different ways (*ibid.*: 3). On the participation side of this concept there is a civic responsibility for individuals “to take part in the political, administrative and service processes: to assert their claims, to inform and to advocate” (*ibid.*: 1). One of the issues with the Jupp Review, however, is that its focus was primarily directed at Australia’s immigrant population. The Government of South Australia endorsed the Jupp Review but demanded “a better and wider definition of Commonwealth responsibilities for the development and promotion of multiculturalism, not just post-arrival services” (SAEAC 1987: 32). It also agreed that immigrants should be entitled to “speedy integration”, but that ethnocultural minorities should also have a right “to retain their languages and cultures within the common framework of law” (*ibid.*). The other more fundamental issue was that, in announcing its access and equity strategy, the Commonwealth Government affirmed plans were to be implemented at no extra cost to what is already allocated for immigrant settlement programs. As noted by Andrew Jakubowicz, this exercise of “resource redistribution” could easily be perceived as a zero-sum game between “deserving non-ethnic clients” struggling for a share of public services and the “newly legitimate ethnic clients” (Jakubowicz 1989: 81). Under these circumstances, access and equity could actually undermine the promotion of multiculturalism. All it needed was a prominent public figure to denounce this situation for multiculturalism to become a divisive issue.

Having already caused controversy by calling for an end to Asian immigration (see chapter 2, section 2.6), historian Geoffrey Blainey again intervened in the immigration debate in light of

the Jupp Review. This time Blainey claimed multiculturalism had become “rabid” and “divisive”, creating a sort of tribalism that opposed ethnic groups (Macintyre 2016: 272-3). In the year that followed the “Blainey debate”, the SAEAC decried “the emergence of racist articles in the media, and the reluctance of some agencies to meet their responsibilities in the equitable provision of services” (SAEAC 1988: 20). The Commission saw the recent episode as a manifestation of “a general lack of understanding of the importance of Government policies in ethnic affairs and multiculturalism and their role in building our nation” (*ibid.*: 13). Moreover, the Commission was highly critical of the adverse effects of funding cuts in the 1986-87 Commonwealth Budget to migrant settlement services (*ibid.*: 11). The cuts included abolishing the Australian Institute of Multicultural Affairs, replaced by the Advisory Council on Multicultural Affairs and Office of Multicultural Affairs.

It was in this context of polarized opinions and reduced Federal spending that South Australia felt it needed to “initiate a new program directed at the promotion of multiculturalism” (*ibid.*: 11). The State’s decision to perform another review of its multiculturalism policy coincided with the Commonwealth Government’s development of a National Agenda for a Multicultural Australia. Thus, it is precisely at this moment, in 1988, that a critical juncture appeared amidst growing tension between multiculturalism policy and its socio-political context. Decisions taken regarding institutional reform in this moment of great uncertainty and unsettled debates would almost certainly have far reaching implications for the future of multiculturalism policy in South Australia.

#### 4.2 Contention Over Policy Outputs

By calling into question the virtues of Australian multiculturalism, the 1988 FitzGerald Report did not have the rallying effect that the Hawke government had hoped for. It was the most influential report on immigration policy since the Galbally Report's release a decade earlier. Yet, it stunned policymakers throughout Australia because it challenged the merits of the Galbally Report's singular achievement: the proclamation of multiculturalism and the abolition of the White Australia policy. The FitzGerald Report gave free reign to those opposed to multiculturalism to express their views with confidence. Among them was the Federal Liberal Party, whose 1988 "One Australia" policy bore a striking resemblance to the White Australia policy. A memorandum to cabinet issued by Prime Minister Hawke in May 1989 underscored the growing tension between Australia's multiculturalism policy and its socio-political context. At issue was the need for a National Agenda for a Multicultural Australia, which the Commonwealth Government had been working on for two years now. In order to gain public acceptance, the memorandum stressed the need to "reassure traditional supporters of multiculturalism as well as satisfy the wider community that it provides benefits for all Australians and not just Aboriginal or ethnic communities" (Australia 1989: 3).<sup>61</sup> To achieve this, the Commonwealth government was proposing the introduction of "an Act defining – and setting clear limits to – multiculturalism" (*ibid.*: 4).

With the pending National Agenda and Bill on multiculturalism, the Commonwealth and State Ministers of Immigration and Ethnic Affairs met throughout 1988 and 1989. Meetings in September and October 1988 focused on responding to the FitzGerald Report, while meetings in

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<sup>61</sup> For the purpose of the discussion that will follow in the upcoming sections and later chapters, it is important to note how cabinet documents used the term "ethnic" to mean all those who are not of Anglo-Celtic or Aboriginal descent. In official government discourse, the neutrality of the term "ethnic" was often defended to simply imply ancestry or heritage. However, remarks like these support the argument of critics who say "ethnic" actually implies all those who do not share the Anglo-Celtic ancestry of the Australian majority.



March 1989 covered topics related to immigration and ethnic affairs, including problems of racism (SAEAC 1990: 28). The South Australian government's written submission to the CAAIP (FitzGerald Report) called for a number of changes, including a more robust defense of refugee and human rights obligations, as well as multicultural policies that include a "right to heritage principle" (SAEAC 1989: 32). The submission went as far as promoting "constitutional guarantees to identity [...] for Indigenous and other cultural minority groups" (*ibid.*: 34). It was the State's belief that immigration policies should be compatible with the need to resolve social justice issues, in clear policy and legislative terms, such as prohibiting the incitement of racial hatred, discriminatory administrative processes, and uniform anti-discrimination legislation (*ibid.*: 34). Evidently, the positions of the South Australian government were in stark contrast to those of the FitzGerald Report, particularly in regard to promoting a multicultural identity<sup>62</sup>. To affirm the State's commitment to multiculturalism, Cabinet approved in June 1989 drafting instructions to amend the SAEAC Act to create an administrative unit, the Office of Multicultural and Ethnic Affairs (SAEAC 1990: 35). As a result, the Office became the operational arm of the Commission and received the full status of a department (*ibid.*: 1). The Commission retained the policy functions and its independence as the chief adviser to the Government on multiculturalism (*ibid.*).

The SAEC also prepared a written submission to the National Agenda for a Multicultural Australia on behalf of the South Australian government. The Commission expressed concern over how the FitzGerald Report had "muddied the waters in relation to multiculturalism" (SAEAC 1989: 36). According to the Commission's submission, "at the heart of multiculturalism lie three fundamental elements – the development of a national identity for all Australians, the achievement

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<sup>62</sup> Although the South Australian government's submission disagreed with the recommendations of the FitzGerald Report regarding multiculturalism, the two agreed on the need to increase immigration levels. Faced with the problem of an ageing and declining population, the South Australian government demanded immigration criteria and levels acknowledge the population and environmental concerns of States and regions (*ibid.*: 32).

of social justice for all, and the attainment of an economically efficient and productive country” (*ibid.*: 39). In other words, South Australia’s conception of multiculturalism rested on basically the same three policy dimensions of multiculturalism we identified in chapter 1 (section 1.2.2): multicultural identity, social justice and civic participation. The submission ended on a call for improved complementarity between the multiculturalism programs of the two orders of government. The South Australian government “strongly recommended” that the Commonwealth and States “reach mutually acceptable arrangements for the division of responsibilities for both the financial and service provisions” of multiculturalism and equal employment opportunity (*ibid.*: 40).

The National Agenda for a Multicultural Australia was officially proclaimed in July 1989 by the Hawke Labor government. It defined multiculturalism policy as “a policy for managing the consequences of cultural diversity in the interests of the individual and society as a whole” (Australia 1989: 1). The Commonwealth Government retained the SAEAC proposal by outlining the three dimensions of its multiculturalism policy: cultural identity, social justice, and economic efficiency (*ibid.*: 1). The Agenda formally mandated the Department of the Premier and Cabinet’s Office of Multicultural Affairs with the task of examining “the desirability of a Multiculturalism Act for Australia” (*ibid.*: 3). The Act was also expected to give a legislative basis to the Government’s Access and Equity strategy and consider including “specific legislative measures to curtail racial vilification” (*ibid.*). Unlike the Galbally Report<sup>63</sup>, however, the National Agenda did not make any commitments to conclude Commonwealth-State agreements over multiculturalism policy, nor did it so much as acknowledge State-based multiculturalism policies.

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<sup>63</sup> The 1978 Galbally Report acknowledged that government programs were already being developed by State Ethnic Affairs units. In addition, it provided funds to ESL and multicultural education programs developed and administered by the States, as well as other State-run initiatives, such as translation and interpreter services (Australia 1978).

Shortly after, on November 2, 1989, the amended *South Australian Multicultural and Ethnic Affairs Commission Act* came into effect. Drafted by the Attorney General and Minister of Ethnic Affairs, Christopher Sumner (ALP), the amendment Bill received bipartisan support from the South Australian Parliament. Aside from inserting the word “multicultural” in the name of the Commission, the legislation actually gave a legal basis to multiculturalism as a public policy, the first Australian jurisdiction to do so (SAMEAC 1990: 8). This reform was the result of policy entrepreneurship from the Commission, particularly from Commissioner Dr. Jerzy Smolicz<sup>64</sup>. Policy entrepreneurs must offer new ideas but also develop alliances with political entrepreneurs in order to adapt institutions to events, especially crises or new political moods (Oborn et al. 2011: 466). In his scholarly work, Smolicz had crafted a theory of “stable multiculturalism” that stressed “both the preservation of ethnic cultures and their adjustment to the overarching values of society as a whole” (Smolicz 1984: 17). This meant that multiculturalism had to be a two-way process of interaction “characterized by the acceptance of shared institutions by all the groups, and consequent modifications in the culture of each group” (*ibid.*: 16). In other words, the retention and development of ethnic cultures is compatible with the evolution and acceptance of overarching civic values (*ibid.*: 17). Smolicz’ ideas on multiculturalism as involving society as a whole found support in political entrepreneur Christopher Sumner and are reflected in the Attorney-General’s 1989 amendments to the SAEAC Act. The State would hereby define multiculturalism as:

Policies and practices that recognise and respond to the ethnic diversity of the South Australian community and have as their primary objects the creation of conditions under which all groups and

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<sup>64</sup> Dr. Jerzy Smolicz, a sociologist and professor in the Department of Education at the University of Adelaide, was first appointed on a three-year term to the SAEAC in 1982 (SAEAC 1983: 1). Smolicz notably chaired South Australia’s Task Force on Multiculturalism in Education in 1983-84 and chairperson of the State’s Multicultural Education Co-ordination Committee in 1986 (SAEAC 1987: 23-4). He was reappointed several times until his final term expired in 1993 (SAMEAC 1993: 4).

members of the community may – (a) live and work together harmoniously; (b) fully and effectively participate in, and employ their skills and talents for the benefit of the economic, social and cultural life of the community; and (c) maintain and give expression to their distinctive cultural heritages. (SAMEAC Act 1989: s. 4)

The functions of the renamed South Australian Multicultural and Ethnic Affairs Commission (SAMEAC) were also revised to reflect these policy changes. The Commission would now have the official authority to advise and assist the Government and public authorities on all matters relating to the advancement of multiculturalism (*ibid.*: s. 12(1)(b)). It also added the function of developing “in conjunction with other public authorities immigration and settlement strategies” (*ibid.*: s. 12(2)(e)). Another key change was the strengthening of compliance obligations. Henceforth, each government department and agency would be required to “formulate a policy governing the provision of services by that department to the various ethnic groups in the community and the members of those groups” (*ibid.*: s. 22(1)).

An important takeaway from the reforms introduced is how the South Australian government added provisions to advance the *multicultural identity* and *civic participation* dimensions of its policy. This meant a clear policy definition of the State’s multicultural identity and functions to support its public expression. It also meant incorporating immigrant settlement provisions into the objectives of South Australia’s multiculturalism policy and improving access to public services for non-English speakers. However, the reforms did not introduce new *social justice* measures to combat racial prejudice, the third policy dimension of multiculturalism. After all, the South Australian government had pressured the Commonwealth Government to incorporate such provisions into the National Agenda. In light of the public debate sparked by the FitzGerald Report, the Chairman of the SAMEAC, Michael Schulz, had in fact expressed concern

over the “rise in racism, in blaming immigration and scapegoating visible minorities as cause of our economic ills” (SAMEAC 1990: 14). Chairman Schulz insisted the emerging problem of racism “will need to be confronted [...] if necessary by legislative measures similar to those already introduced in other parts of Australia” (*ibid.*). Therefore, there were expectations for the Commission to occupy a more pro-active role in the elimination of racial prejudice and discrimination. In this early stage of the critical juncture, however, the State missed a key opportunity to finally clarify the status of the SAMEAC in relation to the Equal Opportunity Commission with regards to social justice. Despite bringing alterations to the State’s multiculturalism policy, it remained unclear how parallel institutions (i.e. SAMEAC and EOC) would share those expectations and achieve common social justice goals. The next section will show *how* further legislative changes added layers of complexity, instead of clarifying the social justice dimension of the State’s multiculturalism policy, and *why* this is a product of a mechanism of *path dependency*.

#### *4.3 Alterations to Path Dependent Institutions*

In its efforts to implement the provisions of the reformed SAMEAC Act, the Government of South Australia continued to reinforce compliance standards. In January 1991, Cabinet approved a directive that requires that all State Government departments develop a Multicultural Management Commitment Plan (MMCP) along six performance areas<sup>65</sup>. With the new policy definition of multiculturalism, the MMCPs and the addition of the term “multicultural” to the name of the Commission, the Minister assisting the Premier on Multicultural and Ethnic Affairs, Terrence Groom, began to question the relevance of the term “ethnic” (South Australia 1992: 1261). The

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<sup>65</sup> The performance areas were: (1) client services, (2) settlement services, (3) economic development, (4) human resources development, (5) social justice, and (6) ethnicity data collection (SAMEAC 1992: 6-7).

Premier John Bannon<sup>66</sup> decided the matter would be resolved through a survey<sup>67</sup>. In the end, 58.3% of the responses were in favour of retaining the word “ethnic” in the title of the SAMEAC. In defending his Government’s decision to honour the results of the survey, Minister Groom quoted the Dr. Jerzy Smolicz, who argued that “the unfortunate connotations built around the word ‘ethnic’ are partly due to its mistaken application solely to minorities, and often to the more visible of them” (*ibid.*: 1262). The Government could not, however, escape the reality that ethnic minorities, especially “the more visible of them”, were increasingly the target of racist incidents.

The National Inquiry into Racist Violence presented evidence of several acts of violent intimidation<sup>68</sup>, racist graffiti<sup>69</sup> and posters<sup>70</sup>, and verbal attacks<sup>71</sup> in South Australia. Chaired by the Federal Race Discrimination Commissioner, Irene Moss, the Inquiry was established in 1988 following widespread community perception that racist attacks were on the rise since the immigration debates of the 1980s (Human Rights Australia 1991: 6). Its lengthy report, *Racist*

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<sup>66</sup> Lynn Arnold was elected unopposed by the Labor caucus as Premier on 3 September 1992. He replaced South Australia’s longest serving Premier, John Bannon, who resigned on 1 September 1992 as a result of the State Bank’s collapse into major financial difficulty (AJPH 1992: 405). The decision to prepare a survey was taken in November 1991 and the questionnaire sent out in February 1992, while Bannon was still Premier (South Australia 1992: 1261). By the time the results of the survey were compiled in November 1992, however, Arnold had become South Australia’s Premier.

<sup>67</sup> The SAMEAC sent the survey to 209 organisations and received 96 responses, including from the Ethnic Broadcasters Inc. (5EBI-FM), which consulted all 42 of its member groups (*ibid.*).

<sup>68</sup> For instance, a prominent member of the Uniting Church Synod of South Australia, Brian Lewis-Smith, reported being harassed over the phone. His home was then attacked twice as rocks were hurled through his bedroom window in April 1987 and August 1988 (Human Rights Australia 1991: 183). The intimidating telephone calls began two weeks after he had invited the president of the African National Congress, Oliver Tambo, to speak at a public gathering in Adelaide in April 1987 (*ibid.*). The electoral office window of South Australian Member of Federal Parliament, John Scott, was also smashed in July 1988. The next day, his office received a threatening phone call saying, “tell John Scott that if he does not stop Asian migration it will be a bomb next time” (*ibid.*: 190).

<sup>69</sup> From June 1987 to August 1988, the Torrensville Primary School and surrounding areas were tagged with racist graffiti. The school principal sent an open letter to *The Adelaide Advertiser* expressing his disgust at the racial hatred targeting young children. Following the publication of the letter, however, the school received threatening letters from far-right groups National Action, the Australian Patriotic Lobby and the Australian Nationalist Movement (*ibid.*: 190).

<sup>70</sup> The organisation South Australians for Racial Equality was formed in response to an escalation in racist activity, particularly racist poster campaigns linked to the immigration debate of the mid to late 1980s (*ibid.*: 182).

<sup>71</sup> Demonstrators repeatedly shouted “Asians Out” during a citizenship ceremony for Asian migrants in West Torrens, South Australia. The four demonstrators were quickly arrested, since the South Australian Police Force had been warned of the likely protest and had dispatched officers to the ceremony (*ibid.*: 189).

*Violence*, was released in 1991 and contained 67 recommendations with several amendment proposals for the Federal *Racial Discrimination Act* (RDA). In response, South Australia's Office of Multicultural and Ethnic Affairs (OMEA) undertook research on the alarming trend of racist graffiti. The Office raised a number of concerns in how it could track and handle this type of incident. The biggest concern raised was "the absence of legislation to deal with racial vilification in South Australia" (SAMEAC 1993: 22). Pressed to take action, Attorney General Sumner "considered it prudent to withhold action in South Australia until those policy issues had been resolved at the Federal level" (South Australia 1992: 638). The Federal Attorney General presented a Bill to amend the RDA shortly after, in December 1992. The object of the Bill was to outlaw racial vilification and make racial hatred a criminal offence (Australia 1992: 3888). The Bill lapsed, however, as Parliament was prorogued on the calling of the 1993 Federal Election. The ALP's re-election under Paul Keating's leadership enabled the introduction of redrafted legislation – the Racial Hatred Bill – in 1994, based on the recommendations of three major inquiries<sup>72</sup>. The Bill passed in the House of Representatives on 16 November 1994, but the Senate rejected the criminal offence provisions in Committee on 24 August 1995 (Australia 1995: 329). The Senate accepted the remaining provisions of the Bill, which created a civil prohibition against racial hatred by inserting sections 18B to 18E into the RDA. Henceforth, it became unlawful in Australia for a person to do an act in public that:

- (a) Is reasonably likely in all circumstances to offend, to insult, humiliate or intimidate another person or group of people; and

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<sup>72</sup> In addition to the recommendations from the National Inquiry into Racist Violence, the Australian Law Reform Commission Report into Multiculturalism and the Law, and the Royal Commission into Aboriginal Deaths in Custody, all favoured an extension of Australia's human rights provisions to explicitly protect the victims of racism (Australia 1995: 4249).

(b) Is done because of the race, colour, or national or ethnic origin of the person or of some or all of the people in the group (Australia 2013: s. 18C).

The Senate's amendments received the Government's support and the *Racial Hatred Act* came into effect on October 13, 1995. The "hate speech" provisions of section 18C have since become one of the most contested and controversial pieces of legislation in Australia.

Meanwhile, the 1993 South Australian elections had resulted in a turnover with the Liberals gaining power. The new Premier, Dean Brown, assumed the functions of Minister of Multicultural and Ethnic Affairs and promptly ordered a review of the OMEA. The problem was that the Chairman of the SAMEAC, Paolo Nocella, had also assumed the role of Chief Executive Officer of the OMEA (SAMEAC 1994: 55). The Government's review was therefore meant to clarify the division of responsibilities between the two institutions concurrently overseeing the State's multiculturalism policy. Premier Brown also ordered a legislative review of the Equal Opportunity Act. The main issue concerning the Act was the question of outlawing racial vilification. The amendments would have to avoid overlap between State and Federal law, and to clarify the role of the Equal Opportunity Commissioner vis-à-vis the Multicultural and Ethnic Affairs Commissioner (SAMEAC 1994: 15). So as the Australian House of Representatives was debating the Racial Hatred Bill, South Australia's Leader of the Opposition, Mike Rann (ALP), began to question the Premier "on the general policy of multiculturalism" and "the State Government's attitude and the Premier's own attitude towards racial vilification laws in this State" (South Australia 1994: 48). The Premier responded that his Cabinet had not yet approved any such legislation. Months passed without any noticeable progress until a National Action rally in Glenelg resulted in the arrest of the far-right organisation's leader in May 1995 (Jean 2017). The incident and growing presence of



far-right groups<sup>73</sup> in South Australia prompted Rann to once again question the Government on its intentions regarding racial vilification legislation (South Australia 1995: 2633). Rann also asked whether the SAMEAC had been consulted on the pending legislation, given its mandate to promote multiculturalism and that “any racism in the community is directly opposite to the promotion of multiculturalism” (South Australia 1995: 42). Premier Brown assured the Assembly that draft legislation had been prepared with the help of the OMEA (*ibid.*: 42), even though this is an administrative unit (in the Premier’s office), while SAMEAC’s principle function is to provide policy advice. Instead, the review process produced an amendment bill for the SAMEAC Act that confirmed the separation of the Chair of the Commission and the CEO of the Office (South Australia 1995: 584). It did not, however, introduce provisions to outlaw racial vilification.

Looking to force the government to take action, Rann introduced in October 1995 a private member’s bill to amend the *Criminal Law Consolidation Act* and *Equal Opportunity Act* to outlaw racial vilification. Although modelled on similar legislation enforced in New South Wales since 1989, Rann believed his State needed to act because, “South Australia is gaining national and international notoriety as a base or haven for extremist groups with a history of racially motivated attacks” (South Australia 1995: 221). A little over a month later, Premier Brown introduced the Racial Vilification Bill as promised<sup>74</sup>. The South Australian Bill contained two novel provisions that established both criminal and civil law provisions. First, it provided criminal sanctions for acts of racial vilification accompanied by threats of physical harm to persons or property, or that incite racial hatred by others (South Australia 1996: 1981). Second, the Bill offered a new civil remedy

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<sup>73</sup> Declassified federal Cabinet papers from 1994 later revealed that the Australian Security Intelligence Organisation (ASIO) identified Adelaide as the “centre of right-wing extremism” in Australia (Jean 2017). The ASIO document warned Prime Minister Paul Keating and Cabinet in November 1994 that the National Front was “active in Adelaide, with high intent and capability to undertake acts of racist violence” (*ibid.*).

<sup>74</sup> On the day of the scheduled second reading of the Racial Vilification Bill, Rann received a letter expressing anti-semitic views and a general hostility towards the Bill (South Australia 1996: 872).

for victims of racial vilification, who can apply to a civil court and recover up to \$40,000 in damages (*ibid.*). On December 12, 1996, the *Racial Vilification Act* was assented to a year after its introduction. Parliament also carried the Premier's motion that confirmed that the South Australian Government would negotiate with the Federal Government for the delegation of jurisdiction to the South Australian Equal Opportunity Commission in relation to the Federal *Racial Discrimination Act* (South Australia 1996: 619). This would allow South Australians to access the EOC for conciliation proceedings under the Federal legislation and avoid the duplication of roles between the two jurisdictions (*ibid.*: 617). It did not, however, carry any changes to the functions or objectives of the SAMEAC.

In sum, after reforms to the SAMEAC Act in 1989 sidelined social justice provisions, the threat of violent hate crimes arose as one of the most pressing concerns of the early 1990s in South Australia. Both the Commonwealth and South Australian governments chose to enact separate legislative statutes to outlaw racial vilification. In South Australia, the legislative changes happened as the State Government was reviewing the administration of its multiculturalism policy. Facing steady pressure from the Opposition, the Liberal Government of Dean Brown proclaimed the *Racial Vilification Act* in 1996, which contained provisions for criminal convictions and civil remedies. However, these measures are in essence *reactive*, meaning that punitive actions can only take place once a complaint has been lodged and deemed valid. The Crown cannot prosecute if victims do not come forward with a complaint, nor is there a Department or Commission specifically tasked with the function of producing *proactive* anti-racism programs and public outreach campaigns. As we can see, these *alterations* created new institutions alongside old ones, thereby creating new categories of beneficiaries to added government programs. Even though the measures were taken to stifle the spread of violent hate crimes that fundamentally undermine the

promotion of multiculturalism, the legislative changes did not alter the functions of the Commission or Office of Multicultural and Ethnic Affairs. The only noteworthy changes to the two institutions performing similar functions with regards to the enforcement of the State's multiculturalism policy were minor modifications to have separate people at the head of the Commission and Office.

This demonstrates the activation and causal force of the mechanism of path dependency. Even though emerging ideas and preoccupations may alter the path, it requires a good deal of persuasion from a *policy entrepreneur*, like former Commissioner Dr. Jerzy Smolicz, to present innovative proposals that could redirect the policy towards a renewed purpose. More importantly, unlike the previous administration's Minister of Ethnic Affairs, Attorney-General Christopher Sumner, a *political entrepreneur* able to rethink and amend the roles and functions of the SAMEAC did not emerge within the Brown Cabinet. The institutional rules overseeing the functions of the SAMEAC are well defined and leave little room for discretionary interpretation. They include the formulation of language policies (SAMEAC 1989: s. 12(2)(a)), methods for the advancement and promotion of multiculturalism (*ibid.*: s. 12(2)(b)(d)(g)), provision of interpreter and translation services (*ibid.*: s.12(2)(h)), and the development of immigration and settlement strategies (*ibid.*: s. 12(2)(e)), all functions that advance the goals of the *multicultural identity* and *civic participation* dimensions of a multiculturalism policy. None point to a broader interpretation that would introduce *social justice* measures. The next section will examine how conflicting commitments to multiculturalism policy from the Commonwealth and State governments, along with devolved immigration powers, resulted in a consolidation of the status quo. We will show why this further illustrates the causal force of the path dependency mechanism and the importance of policy and political entrepreneurship to challenge the self-reinforcing logic of institutions.

#### *4.4 Consolidating the State's Multiculturalism Policy*

The year 1996 marked another significant turning point in Australian politics with ramifications for multiculturalism policy. The Australian federal election resulted in a resounding victory for the Liberal/National coalition, ending a thirteen-year streak of Labor Governments. More importantly, after his controversial intervention in the debate over immigration and multiculturalism in the 1980s, John Howard was sworn in as Prime Minister. It was also the first election of the provocative co-founder of the One Nation Party, Pauline Hanson. The election, therefore, produced an unexpected paradox: just as State and Commonwealth governments were trying to curb the public expression of hate speech through legislation, derogatory comments directed at ethnocultural minorities suddenly became commonplace in the federal legislature and media (Hage 1998: 244-5). On the one hand, you had Liberal South Australian MLA Julie Grieg affirming that, “laws against racial vilification make us a better multicultural society and do not inhibit free speech” (South Australia 1996: 874). On the other hand, you had Pauline Hanson<sup>75</sup>, in her maiden speech in Australia's House of Representatives, decrying that,

We now have a situation where a type of reverse racism is applied to mainstream Australians by those who promote political correctness and those who control various taxpayer funded ‘industries’ that flourish in our society servicing Aboriginals, multiculturalists and a host of minority groups. (Australia 1996: 3859)

The speech sparked major controversy on the merits of multiculturalism, the rights of Aboriginal Australians, and article 18C of the *Racial Hatred Act*. More importantly, Prime Minister Howard quickly proceeded to cut programs and welfare provisions for migrants, and abolished the Office of Multicultural Affairs and Bureau of Immigration, Multicultural and Population Research (Tavan

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<sup>75</sup> Pauline Hanson initially joined the Liberal Party of Australia in 1995 and was selected to run as the candidate in Oxley, Queensland, in the 1996 general election. However, Hanson was disendorsed by the Party shortly before the election and won as an independent. She founded the One Nation Party in 1997 (Deutchman and Ellison 1999: 33-4).

2012: 553). This decision placed the Liberal Government of South Australia in a predicament. Seeing how Howard was making little effort to distance his party from Hanson's views, while indeed rolling back programs for migrants and cultural minorities, it became clear that South Australia's Premier Dean Brown could no longer count on the moral or financial support of his federal counterpart with regards to multiculturalism policy. A few days after the Hanson speech, Brown tabled a motion asking South Australia's House of Assembly to affirm its support for "policies relating to multiculturalism and Aboriginal reconciliation being based upon the principles of non-discrimination, racial harmony, tolerance and the Australian concept of the "fair go" for all" (South Australia 1996: 187). The purpose of the motion was clearly to refute the claims of Pauline Hanson. Accompanying the motion was the Government of South Australia's *Declaration of Principles for a Multicultural South Australia*. Based on advice from the SAMEAC, the policy statement was essentially meant to confirm the State's ongoing commitment to its established multiculturalism policies amid challenging times (South Australia 1995). A year later, the Commonwealth Government finally released an issues paper called *Multicultural Australia: The Way Forward* to dispel some of the misconceptions circulating in public discourse on multiculturalism since Hanson's comments (NMAC 1997).

The 1996 federal election set up another unexpected change with potential ramifications for multiculturalism policy in South Australia: State Specific and Regional Migration (SSRM) schemes. Two months after the Howard Liberal's election in May, the annual meeting of Commonwealth, State and Territory Ministers for Immigration and Multicultural Affairs resulted in the creation of a working party on regional migration (Hugo 2008: 134). The new visa categories were intended to provide additional pathways to permanent residence for skilled people who wish to live and work in regional Australia or a low population growth metropolitan area facing skilled

labour shortages. South Australia had been experiencing a steady decline of its share of national immigration for decades, in addition to having the most rapidly ageing population in Australia (SAMEAC 1998: 10). The purpose of the new visa categories was to offset the concentration of immigrants in New South Wales, Victoria and Western Australia, and meet critical workforce demands in other States. All of South Australia, even Adelaide, was therefore eligible to recruit migrants through the new program. Since federation, the Commonwealth government had exercised an exclusive control on which immigrants are allowed to settle in Australia. Now, State and Territory governments would exercise unprecedented control over where immigrants are permitted to settle, at least for the initial three years following their arrival (*ibid.*: 126). South Australia quickly emerged as one of the leading advocates of the SSRM schemes and its strongest user (*ibid.*). The State had made clear its intention to attract and retain more immigrants when it set up an Immigration Promotion and Settlement Unit in the SAMEAC in 1992 (SAMEAC 1993: 4). South Australia also negotiated for humanitarian intakes in excess of its share of the national population and actively provided support for refugees as part of its population growth strategy (Hugo 2008: 136). With mounting concerns over the impact of Pauline Hanson's statements on attitudes towards racialized minorities and the reconfiguration of intergovernmental relations over immigration, South Australia's new Premier, Liberal John Olsen, ordered an evaluation of its Access and Equity framework and a review of the rebranded Office of Multicultural and International Affairs (OMIA) (SAMEAC 1998: 8).

Olsen made it clear that his intention was not to undo the work of his predecessors but consolidate and improve existing institutions as he named himself Minister for Multicultural and Ethnic Affairs. Olsen was resolutely pro-immigration and emphatically declared, "South Australia

is not getting its fair share of the migrant intake” (South Australia 1998: 1938)<sup>76</sup>. The Review resulted in the establishment of an Office of Immigration in the Department of the Premier and Cabinet to coordinate immigration policy and strategy, “with the intention of significantly increasing our intake” (*ibid.*). OMIA remained in the Department of the Premier and Cabinet, providing policy advice and coordination across Government on multicultural matters (*ibid.*: 1939). As for the SAMEAC, it received a budget and staffing increase, along with the role of developing yearly business plans, monitoring programs and reporting directly to the Premier on access and equity within Government (*ibid.*). The Olsen Government finally enacted the *Racial Vilification Act*.<sup>77</sup> While citing concerns over the effect of Pauline Hanson and the One Nation Party, Premier Olsen announced, on July 7, 1998, that “as of today it is a criminal offence for a person by public act to incite hatred towards people on the grounds of their race” (South Australia 1998: 1303).

The Olsen Government’s tenure was marked by political instability, despite sustained economic growth. Growing backbench dissatisfaction within the ranks of the Liberal caucus had led to a leadership challenge that removed Premier Brown in November 1996. John Olsen was nominated leader and Premier but inherited a deeply divided party (Parkin 1997: 243). Adding to the political turmoil, the State’s economy was slipping back into difficulty. Its over-reliance on the manufacturing and agricultural sectors had made it vulnerable to global competition and volatile commodity prices (*ibid.*: 239-240). In the context of a shrinking population, high youth unemployment, sluggish business investment, and unpredictable exports, Olsen’s Liberals narrowly won the October 1997 election. His minority Government piloted a surprising reversal

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<sup>76</sup> At the time, South Australia made up 8 percent of Australia’s population but attracted only 4 percent of all immigrants (South Australia 1998: 1938).

<sup>77</sup> Although assented to in December 1996 by both houses, the *Racial Vilification Act* had not yet been published in the State Parliament’s *Gazette* to formalize its enactment.

of economic trends, as South Australia became the fastest growing State economy just three years later (Marshall 2000: 590). But the internal party divisions that brought Olsen to power also served his downfall when he resigned as Premier in October 2001 amid allegations of collusion to secure corporate investments to South Australia (O'Neil 2002: 276).

In the end, for all the political infighting within the Liberal party, trying economic circumstances, and mixed signals coming from the Commonwealth Government in the area of immigration, the South Australian Government's support for multiculturalism policy did not waiver during the Brown/Olsen period. As it became clear that far-right groups capable of violence like National Action were forming in the Adelaide region, the Premier and Minister for Multicultural and Ethnic Affairs did not amend the SAMEAC Act. Instead, Premier Brown issued the Multiculturalism in Schooling and Children's Services Policy to incorporate anti-racism material in the curriculum (South Australia 1997: 10), and his successor Olsen ensured racial vilification became a criminal offence under separate legislation. The decision to consolidate the institutions responsible for the implementation of the State's multiculturalism policy at a moment where the Commonwealth Government was abolishing its own institutions reflects the importance of the *path dependent* mechanism driving this process of policy layering. Changes were made in accordance with the rules of the SAMEAC Act to add new programs to promote immigration and settlement strategies (SAMEAC 1989: s. 12(2)(e)) and establish Regional Advisory Committees (*ibid.*: s. 15) to extend service provision throughout the State. As a *critical juncture* emerged in the 1990s and produced heated debate on the topic of national identity, South Australian multiculturalism appears remarkably enduring. Even so, the State's multiculturalism policy did not deviate from the path set in the 1980s. The policy remained squarely focused on promoting a *multicultural identity* and enabling the *civic participation* of immigrants and ethnocultural



minorities, while keeping *social justice* measures on the periphery. Separate anti-racism legislation was introduced without amending the SAMEAC Act, and with little effect on the programs that form the State's multiculturalism policy. The next and final section examines how the same piecemeal approach to updating the policy to changing circumstances prevailed in the aftermath of the tragic events of 9/11. Intensifying public debate over multiculturalism in Australia resulted in more of the same approach to steadily bringing minor alterations to South Australia's policy in a constantly evolving social context.

#### *4.5 Institutional Stability Through Layering Amid Political Uncertainty*

The September 11<sup>th</sup> terrorist attacks in the United States occurred during the last session of the Olsen Government in 2001. Like elsewhere in the Western world, South Australians of Muslim or Middle Eastern background suddenly found themselves the target of unprovoked abuse, the unfortunate scapegoats of fear and anger unleashed by the tragic events. The SAMEAC publicly condemned local media reports wrongfully portraying Islam and its values, accusing the media of bolstering frustration and anxiety in the community (SAMEAC 2002: 1). The Commission asserted that, "violence or threats of violence to individuals because of cultural origins is an attack on society itself and has no place in multicultural Australia" (*ibid.*). With the State election nearing and the Premier's resignation in October, the Labor Party this time made it a campaign commitment to outlaw religious discrimination. The February 2002 election resulted in a narrow victory for the ALP as Mike Rann became State Premier. He consequently named one of the more prominent members of his cabinet Minister of Multicultural Affairs, the Attorney-General Michael Atkinson (Manning 2002: 582).

The nomination was reminiscent of the last turnover that ushered in an ALP government in 1982. Premier John Bannon had transferred the Ethnic Affairs portfolio from the Premier's Department to Justice. Attorney-General Christopher Sumner was given the responsibility to conduct a review of Ethnic Affairs and reform anti-discrimination legislation. Assisted by Dr. Jerzy Smolicz from the University of Adelaide and Ethnic Affairs Commission, Sumner progressively transformed the Commission and amended its statute in 1983, 1985, and 1989. Their alliance of policy and political entrepreneurship had produced the most significant institutional changes to South Australia's multiculturalism policy as it entered a critical juncture. Fast-forward two decades, Multicultural Affairs is transferred from the Premier's Department to Justice and the Attorney-General is ordered to review the structure and functions of the OMA, and amend the Equal Opportunity Act (SAMEAC 2002: 16). Beyond this initial air of familiarity, however, the situation proved vastly different under the new ALP administration as the Multicultural Affairs portfolio bounced around, seemingly following controversy wherever it went.

It began with Attorney-General Michael Atkinson, who found himself embroiled in controversy and resigned from Cabinet in June 2003 (Parkin 2003: 602). The "Atkinson-Ashbourne Affair", involving the Premier's chief advisor, Randall Ashbourne, and a disaffected Labor MP, triggered an inquiry from the Police Anti-Corruption Branch, which cleared Atkinson of any wrongdoing (Manning 2004: 288). Rann quickly dismissed Ashbourne and reinstated Atkinson in his Cabinet duties (*ibid.*). Upon resuming his functions, in March 2003, Atkinson announced the amalgamation of the SAMEAC secretariat and OMA staffing unit as a result of the chief justice executive's review of the two institutions (South Australia 2003: 2431). The restructuring led to the creation of a new public sector agency: Multicultural SA (South Australia 2003: 430). It would perform the same statutory roles and functions set out in the SAMEAC Act.

Thus, the operational change actually consolidated the policy adviser role of SAMEAC without impacting its core functions (SAMEAC 2002: 1).

Shortly after, Atkinson was yet again the object of allegations of wrongdoing. The Auditor-General's annual report revealed the Department of Justice had misappropriated Treasury funds but insisted the Attorney-General "did not have any knowledge of the arrangements" (Parkin 2005: 305). In fact, the former Deputy Minister of the Justice Department, Kate Lennon, later described Atkinson as uninterested in management issues and reluctant to provide ministerial input in matters that traditionally require it (*ibid.*: 306). Atkinson's hands-off style perhaps bode well for Multicultural SA, which pursued its usual operational goals as the Minister was consumed with questions regarding the ethics of his own conduct. The creation of Multicultural SA was not, however, followed by amendments to the *Equal Opportunity Act* to counter religious discrimination<sup>78</sup>, despite establishing a Taskforce on Religious Diversity within Multicultural SA (SAMEAC 2010: 24). By contrast to Sumner's term in Cabinet, throughout his tenure as Minister of Multicultural Affairs and Attorney-General, Atkinson did not amend the SAMEAC Act or modify the core functions of Multicultural SA, which remained: (1) promoting multiculturalism, (2) providing migrant settlement services, (3) monitoring access and equity, (4) awarding Multicultural Grants, (5) holding Advisory Committees, and (6) providing interpreter and translation services (SAMEAC 2006: 18-28).

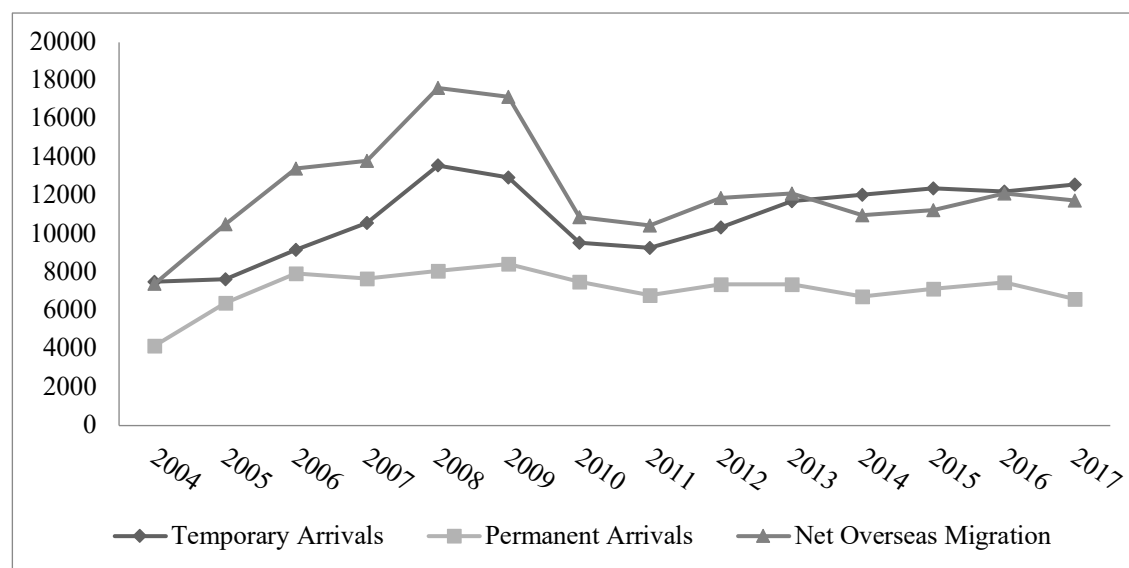
The controversies had seemingly little effect on the Rann Government's popularity. Labor was re-elected in 2006 with a sizeable majority in the context of renewed economic prosperity

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<sup>78</sup> Atkinson did finally amend the *Equal Opportunity Act* in 2009. Among the amendments were provisions that allow dress code exemptions for religious reasons. The amendments did not, however, introduce more general provisions against discrimination on the grounds of a person's religion or religious convictions. Atkinson confirmed, "the Government in 2002 consulted on this idea and learned many South Australians strenuously oppose it" (South Australia 2009: 2565).

(Manning 2007: 646). This allowed the South Australian Government to proceed with the implementation of its State Population Policy, *Prosperity through People*. Released in 2004, it is the first of its kind in Australia (Hugo 2008: 127). The recruitment and retention of immigrants is a central feature of the Population Policy. South Australia would increasingly rely on immigration to support population and labour force growth, including a projected five-fold increase in the skilled and business visa categories (South Australia 2004: 11). Immigration SA took the lead role in implementing the new strategy, while Multicultural SA oversaw the provision of settlement services, seen as “necessary for the success of the State Population Policy” (SAMEAC 2007: 21). As Figure 4.1 indicates, immigration to South Australia grew steadily, especially temporary arrivals where the State Government has some control, namely with the SSRM visas, while permanent arrivals are federally regulated. By 2009, net overseas migration to South Australia had more than doubled, before dropping back down in the context of a global economic recession.

**Figure 4.1 Immigration to South Australia by major visa group, 2004-17<sup>79</sup>**



<sup>79</sup> Data source: Commonwealth of Australia. “Net Overseas Migration, by Major Groupings and Visa, States and Territories, 2004-17.” Australian Bureau of Statistics, July 27, 2018. Online: <https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3412.02016-17?OpenDocument>

The Rann government was re-elected to a third term in March 2010 as Michael Atkinson made the surprising decision to exit politics (Manwaring 2010: 665). Replaced by ministerial novice Grace Portolesi<sup>80</sup>, it was the first time the Multicultural (or Ethnic) Affairs portfolio was not held by a senior member of Cabinet, having previously been the responsibility of the Attorney-General or Premier. Portolesi had nevertheless established herself as a clear proponent of multiculturalism. Prompted by actions of the Howard Government, Portolesi presented a motion that received the bipartisan support of the House of Assembly on February 22, 2007, in which the legislature reaffirmed its commitment to a policy of multiculturalism. During the debate, Portolesi stressed the key role of constituent units in Australia in the following terms: “States do have a policy capacity and, for the last 30 years or so in this State, and on all sides of politics [...], we have embraced multiculturalism as a policy for managing new arrivals” (South Australia 2007: 1867). Like her predecessor, however, Portolesi’s first year in the executive was marred by criticism (Manning 2011: 320). New Premier Jay Weatherhill responded by promoting Portolesi to the Ministry of Education and the Multicultural Affairs portfolio was transferred to her colleague Jennifer Rankine, Minister of Community Safety. But the Opposition continued to target Portolesi, this time for her handling of a reported case of sexual abuse in an Adelaide school (Manwaring 2013: 651). Premier Weatherhill carried out another Cabinet shuffle in early 2013, which removed Portolesi from her executive functions and promoted Minister Rankine to Education as she kept Multicultural Affairs. A year later, the State election resulted in another Weatherhill Labor Government and, once again, a new Minister occupying the functions of Multicultural Affairs, Zoe Bettison. Shortly after, defeated Labor candidate Grace Portolesi was

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<sup>80</sup> Grace Portolesi was appointed Minister of Aboriginal Affairs and Reconciliation, Multicultural Affairs, Youth, and Volunteers on March 25, 2010 (Manwaring 2010: 665).

appointed Chair of the SAMEAC. She immediately proceeded to “review the Commission’s priorities” (SAMEAC 2015: 3). The Review resulted in several minor changes, including increased investments in “promoting multiculturalism” and funding for Multicultural Grants, but also the dissolution of the Advisory Committees (*ibid.*: 4-7). Bettison kept the Multicultural Affairs portfolio until the 2018 State election that resulted in a Labor defeat after two years of gloomy economic outcomes and unemployment reaching the worryingly high levels seen in the 1990s (Manning 2016: 638; Manning 2018: 692). With all polls projecting a Liberal victory, Portolesi resigned from her position as Chair of the SAMEAC a month before the March 2018 ballot (SAMEAC 2018: 5). Despite a State Government spokesperson’s attempts to defend its “merit-based selection process” for such appointments (Nankervis 2017), Portolesi’s timely resignation came off as a tacit acknowledgement of the partisan nature of her appointment.<sup>81</sup> New Premier Steven Marshall proceeded to transfer Multicultural Affairs back to the Premier’s Department, in a move reminiscent of the last Liberal Brown/Olsen Government. In another all too familiar move, the Premier announced his Government would undertake “a review of Multicultural SA’s funding programs” as well as “a review of the *South Australian Multicultural and Ethnic Affairs Commission Act 1980* to inform the drafting of new legislation” (South Australia 2018: 58).

The key takeaway from this is the remarkable stability of South Australia’s multiculturalism policy in spite of a volatile economy and high turnover rate of ministers responsible for Multicultural Affairs from 2001 to 2018. As we see from Figure 4.2, following the 1989 reform of the SAMEAC Act, budget expenditures on Multicultural Affairs experienced a steady progression in a difficult economic context. When the Liberal Government of John Howard

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<sup>81</sup> In a March 2017 article, *The Advertiser* reporter David Nankervis revealed that 20 former ALP politicians had been appointed to South Australian Government boards and committees. The list of former Labor MPs and Ministers included Grace Portolesi. Opposition spokesman Rob Lucas denounced the Labor Government’s practice of “finding jobs for their mates” in a period of rising unemployment in the State (Nankervis 2017).

in Canberra cut multicultural programs in 1996, the Liberal Government of Dean Brown in Adelaide increased the State expenditures. The amalgamation of the OMA and SAMEAC to form Multicultural SA produced a drop in expenditures, which then peaked the same year immigration spiked in South Australia around 2008-09 (see Figure 4.1). Spending on multicultural services then levelled off closer to the overall annual average of 3,8 million for the period of study, 1988 to 2018. Thus, irrespective of political party affiliation or the state of the economy, the Government of South Australia has maintained funding to meet the operational requirements of the SAMEAC Act. Over the years, successive program reviews and administrative changes have not led to South Australia's multiculturalism policy veering away from the path it set out on in 1989.

**Figure 4.2 South Australian Expenditures on Multicultural Services, 1988-2018<sup>82</sup>**



<sup>82</sup> Date source: Government of South Australia, Department of Treasury and Finance, State Budgets, Agency Statements, 2000-2018, online: <https://www.treasury.sa.gov.au/budget/current-budget/previous-budgets> ; Government of South Australia, South Australian Multicultural and Ethnic Affairs, Annual Reports, 1989-99.

## *Conclusion*

This chapter brings empirical support to a number of observations. First, South Australian multiculturalism benefited from: (a) an alliance of *policy* and *political entrepreneurs* at the opening of the *critical juncture*, and (b) bipartisan support hereafter. Even though each time there was a political turnover the new government transferred Multicultural Affairs to another department, and each time the new government initiated a “review” of the structure and functions of the State’s multicultural policy, neither the Labor nor the Liberal Governments have tried to undo the commitments of their predecessors. Rather, it reflects the active and repeated intervention of the State Government to develop and implement its multiculturalism policy. This is significant because the political party structure is integrated in Australia. One could therefore expect decisions taken by the party’s central branch to constrain the policy choices of the State branch. Yet, when the Hawke Labor Government unveiled the National Agenda for a Multicultural Australia without following-up on proposed legislation, the Bannon Labor Government immediately amended the *South Australian Ethnic Affairs Commission Act 1980* to enshrine multiculturalism into State law. Similarly, when the Howard Liberal Government cut multicultural programs and services, the Brown Liberal Government adopted the Declaration of Principles for a Multicultural South Australia and increased program funding. In truth, the more substantive reforms to South Australia’s multiculturalism policy occurred earlier, during Christopher Sumner’s decade-long tenure as Minister of Ethnic and Multicultural Affairs. Sumner was responsible for the 1989 reform of the SAEAC Act in his capacity as the State’s Attorney-General. Hence, at the opening of the critical juncture, Sumner emerged as a *political entrepreneur* for whom multiculturalism was a way of transforming a society held back by antiquated beliefs. He genuinely thought diversity would foster creativity and raise productivity in a stagnating economy. South Australia’s ability to



prosper and grow was held back by what Sumner called “our cultural blinkers, a colonial hangover which tied our ways of thinking about and dealing with the world to Australia’s English-speaking roots” (Smolicz 1991: 38). Thus, Sumner, and *policy entrepreneur* Jerzy Smolicz, sought a radical departure from Australia’s colonial legacy, but set about doing it through incremental means. Indeed, Sumner was adamant in challenging “the insular view of life that Australians have retained for too long [...] for how, ultimately, do we deal with a multicultural world market and community, if at home we fail to deal effectively in social, political and economic terms with our own cultural society?” (*ibid.*: 39). The institutional reforms he led – Interpreting and Translating Services (1983), Multiculturalism in Education (1984), *Equal Opportunity Act* (1984), Ethnic Affairs Management Commitment Plans (1985), Office of Multicultural and Ethnic Affairs (1988), *South Australian Multicultural and Ethnic Affairs Commission Act* (1989) – were seldom questioned by subsequent administrations and the policy he established remains largely the same three decades on. Thus, institutions and their changing socio-political context provide opportunity for policy change, but it ultimately comes down to actors placed in a position of authority to make those changes happen. In other words, agency matters.

Second, South Australia’s policy is driven by a mechanism of path dependency whose main focus is the promotion of a *multicultural identity* and the *civic participation* of migrants and cultural minorities. The creation of new parallel institutions with similar objectives (i.e. the Equal Opportunity Commission and Office of Multicultural Affairs vis-à-vis the SAMEAC) did not destabilize the existing institution or siphon off support as predicted by Streek and Thelen’s theory on policy layering (2005: 31). Our analysis finds little evidence to support the hypothesis of a “differential growth” mechanism. Instead of wearing away support for multiculturalism, the creation of parallel institutions serving a similar purpose only consolidated the role and functions

of the SAMEAC, thereby clarifying the boundaries between the separate institutions. Rather than undermining the SAMEAC and its inability to combat racial prejudice, the addition of concurrent institutions consolidated SAMEAC's status as the primary provider of migrant settlement services and promoter of the State's multicultural identity. This role only gained in importance with the State's increasingly assertive stance on attracting and retaining immigrants. From the largely homogenous society Sumner regrettably described in 1988, comes into view a South Australia where, in the 2016 census, 42% of the population declares having at least one parent born overseas (SAMEAC 2017: 3). Thus, successive program reviews and minor modifications did not weaken South Australia's multiculturalism policy. Rather, it further justified the original intent and purpose of the policy. As such, social justice initiatives are primarily promoted and implemented by the Equal Opportunity Commission (EOC 2018: 7).

Finally, South Australia established clear institutional rules that limit executive discretion and enforce compliance. While the Commission is subject to the general control and discretion of the Minister (SAMEAC Act 1989: s. 11), it has a clear definition of multiculturalism (*ibid.*: s. 4) and list of functions (*ibid.*: s. 12(2)); it is required to submit an annual budget subject to the Minister's approval (*ibid.*: s. 20) and financial statements to the Auditor-General (*ibid.*: s. 21); the Commission must also prepare an annual report on its operations that the Minister has to table in both Houses of Parliament (*ibid.*: s. 23). The SAMEAC and Minister of Ethnic and later Multicultural Affairs has met this annual reporting obligation every year since 1981. This has ensured a steady dialogue between, on the one hand, the Commission vis-à-vis grant recipient community organizations that provide services and advocacy, and on the other hand, the Commission vis-à-vis the Minister with regards to evaluating program effectiveness and advising on proposed policy changes. The active and repeated interventions of the Minister is reflected in

the many minor modifications brought to the SAMEAC Act, amended 8 times for a total of 72 changes since its adoption in 1980. Any change to the activities or composition of the Commission was therefore formalized through legislative amendments, which demonstrates the limits imposed on the Minister's discretionary power. This comes in stark contrast to the high degree of discretion we saw in the case study of Nova Scotia in chapter 3. The Minister there could simply decide whether or not to form an advisory committee, never presented an annual report to Parliament, and the Multicultural Association of Nova Scotia did not submit financial statements for years. Thus, clear institutional rules are a defining feature of a process of policy layering, in contrast to the ambiguous institutional rules that enable a policy to drift into disuse. While ambiguity facilitates deliberate neglect, clear rules that are constantly updated for added precision give institutions a sense of direction and purpose. This cultivates increasing stability that discourages actors from suddenly changing policy direction. This mechanism of *path dependency* fits into a historical sequence in which an outcome can be traced back to earlier decisions, foundational moments like the 1983 review of the SAEAC and the 1989 reform of the SAMEAC Act, that exert causal force to consolidate public policies, resulting in stability and continuity.

In an area where many residents can recall stories of relatives or ancestors who suffered from coercive State measures against ethnocultural minorities, the freedom to publicly express ones difference has become a cardinal rule of civic life in the polity. It therefore comes as no surprise that promoting multiculturalism has received unfaltering political support for over thirty years. The growth of far-right and neo-nazi groups in the Adelaide region since the 1990s is, however, puzzling. Furthermore, as much as path dependency enables stability and continuity in the face of such violent discontent, it is also resistant to transformative change. Repeated decisions by policymakers to leave matters of social justice outside the parameters of South Australia's

multiculturalism policy is a testament to the status quo inducing qualities of policy layering processes. The next chapter explores how and why the neighbouring State of New South Wales similarly reformed its Ethnic Affairs Commission in the same social context of the 1990s. This process of gradual institutional change eventually led to repealing the State's *Ethnic Affairs Commission Act*, thereby replacing it with a new set of institutions that would implement a policy covering all three dimensions of multicultural identity, social justice and civic participation. This active cultivation of a new logic of action inside an existing institutional setting is what scholars in historical institutionalism have called policy displacement (Streeck and Thelen 2005: 31).

## Chapter 5

### Policy Displacement in New South Wales

*The sad thing was [...] all those people who went to war, they came back without the same rights that they had been fighting for.*  
Michael Anderson, Walgett, NSW, 2015.<sup>83</sup>

In the Summer of 1965, a group of University of Sydney students led by Charles Perkins organized a bus tour of country and coastal towns in New South Wales (NSW) dubbed the “Freedom Ride” (Edmonds 2012: 168). Raised in Alice Springs, Northern Territory, Perkins moved to Sydney in 1961, accompanied by his wife Eileen Munchenberg, herself a German-Australian from Adelaide (Kingston 2006: 178). Soon after his enrolment in university, Perkins caught wind of various forms of discrimination against Aboriginal people in rural NSW. Infused with a sense of pride in his own Aboriginal identity and inspired by the US civil rights movement’s non-violent protest tactics of the “freedom riders” that rode across southern States in buses to expose the segregation policies of the “Jim Crow” laws, Perkins devised a plan with a similar intent. The Freedom Ride rode off with the purpose of exposing systems of segregation and exclusionary conventions between Aboriginal and white residents in places like Walgett, Moree and Bowraville. Perkins later recalled how “all the hatred and confused thinking about race boiled to the surface” during a protest staged outside the Walgett Returned Service League (RSL), known for its “whites only” policy (Hamilton 2016: 104). Images of violent hostility towards the student protesters in Moree quickly spread throughout Australia, after Perkins and a group of Aboriginal children entered the town’s municipal pool, whose local council had adopted a policy excluding Aboriginal people from the Artesian Baths (*ibid.*: 106). The Freedom Ride brought international attention to the condition of

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<sup>83</sup> Michael Anderson is paraphrasing his cousin Dorothy Nicholls, from Walgett, New South Wales. Nicholls was among the 100 Indigenous men and women from the small country town who fought in the Second World War (Tan 2015), even though Aboriginal Australians did not have the right to vote until 1962 (Jupp 2018: 51).

Aboriginal people in NSW (Kingston 2006: 179). More importantly, it forced Australians to acknowledge the existence of racial prejudice many knew existed but dared not speak of publicly (Hamilton 2016: 106). Two years later, 89% of Australians voted “Yes” in a national referendum to amend the Constitution, removing references that discriminated against Aboriginal people (Peters-Little 2010: 75).

This watershed moment in the history of Indigenous rights struggles in NSW had a resounding effect on public support for the White Australia policy. In July 1971, the visiting South African national rugby team drew large anti-apartheid protest wherever it went. The resistance reached its climax when thousands of screaming protesters disrupted the Springboks match against Australia’s Wallabies at the Sydney Cricket Ground (SCG) on July 4, 1971 (Tribune 1971: 3). Six Wallabies refused to play in defiance of their opponent’s racial player selection – five of them were students at the University of Sydney (Hamilton 2016: 132). The growing tension between racially discriminatory policies and their socio-political context was becoming increasingly apparent. We saw in chapter 2, section 2.5, how Gough Whitlam was elected Prime Minister in 1972 while promising to abolish the White Australia policy once and for all. Institutional change in New South Wales was forthcoming, especially now that air travel had replaced sea voyage as the preferred method of international transportation. With its closer proximity to the United States, Asia and the Pacific than Melbourne by air and with better-equipped airport facilities, Sydney emerged in the 1960s as the new leading destination for immigration to Australia (Kingston 2016: 192).

This chapter explores New South Wales’ process of gradually reforming its public institutions to better serve the needs of an increasingly diverse and rapidly rising population. This began with the creation of the Ethnic Affairs Commission in 1976 and Anti-Discrimination Board

the following year. After a series of minor modifications to the two complimentary institutions, the State's policy towards recognizing and accommodating ethnocultural diversity appeared set on a similarly dependable path as South Australia. But unlike South Australia's stable commitment to ethnic affairs, the Government of NSW decided to repeal its Ethnic Affairs Commission and adopt a new official policy of multiculturalism in 2000. To the question of *how* NSW changed its multiculturalism policy between 1989 and 2019, we argue the State did so through a process of policy displacement. This occurs when new institutional rules replace the existing ones, as supporters of the old system prove unable to prevent defection to new ideas and objectives (Mahoney and Thelen 2010: 16). As to *why* this sudden replacement of institutions happened in NSW, we argue the low discretion allowed by existing *institutional rules* forced the emerging *political entrepreneur*, Premier Bob Carr, to reform the State's multiculturalism policy. Facing the same Commonwealth Government retreat from multiculturalism and rising criticism we saw in the previous chapter, this *critical juncture* proved decisive for NSW to redefine its conception of *multicultural identity*, along with its approach to *social justice* and *civic participation*.

The following sections uncover the key events, actors and institutions that shaped New South Wales' multiculturalism policy as it evolved from a policy aimed solely at the State's growing immigrant population to a policy of multicultural citizenship for all. Although policy displacement appears as a rapid replacement of institutions, we conceptualize this process as an incremental mode of institutional change that follows these five stages:

**Table 5.1 Process of Policy Displacement**

|                  |                                                                                                  |
|------------------|--------------------------------------------------------------------------------------------------|
| 1) Opening       | ▪ A critical juncture appears amidst tension between the policy and its socio-political context. |
| 2) Contention    | ▪ Actors present reforms to resolve the tension between context and policy.                      |
| 3) Reform        | ▪ Low discretion force change agents to reform institutions to meet new objectives.              |
| 4) Consolidation | ▪ Additional reforms consolidate the program transformation.                                     |
| 5) Displacement  | ▪ Formal rules have been replaced to achieve new ends.                                           |

The actions of a *political entrepreneur* looking to reform established *institutional rules* during this *critical juncture* were prompted by a mechanism of *defection* (Streeck and Thelen 2005: 31). Defection activates the cultivation of a new set of ideas and logic of action inside an existing institutional setting resulting in important policy reforms. Rather than bring superficial changes to consolidate the status quo within the State's Ethnic Affairs Commission, the NSW Government introduced a new multiculturalism policy based on the concept of *citizenship* as it "refers to the rights and responsibilities of all people in a multicultural society" (NSW 2000: s. 3(2)). This activation of new ideas and institutional resources culminated in a process of displacement that established Multicultural NSW in replacement of the Ethnic Affairs Commission.

### *5.1 Opening of a Critical Juncture*

The campaign to prevent competition against the South African national teams represented more than a rejection of the apartheid regime. Above all, it provoked a highly critical self-examination, for Australians too were wrangling with their own problems of institutionalized racism. Heading the only Labor government in Australia at the time, South Australia's Don Dunstan insisted, "Australia can no longer afford to be lumped with South Africa as a country basing its policies on racial discrimination" (Canberra Times 1971: 1). One of the leaders of the anti-apartheid movement, Peter Hain, confessed this was the underlying aim, hence "to attack racism at its



weakest link, build up movement and then broaden it to an attack on the ‘home front’” (Freney 1971: 8). Their strategy of non-violent direct action proved successful. In the weeks leading up to the fateful rugby matchup in Sydney, the Federal ALP held a conference on June 21, 1971. In a 41 to 1 vote, the party added a clause to its immigration platform banning discrimination on the grounds of “race or colour of skin or nationality” (Salomon 1971: 1). In other words, the official Opposition had just agreed to abandon the White Australia policy if elected. The editors of the Canberra Times welcomed the decision, arguing, “the ALP could not very well denounce as racially unacceptable the exclusion of blacks from South African representative teams if it sanctioned in its own platform an immigration policy that smacked of racial discrimination” (Canberra Times 1971: 2). And so, after 23 years in opposition, the ALP won the 1972 federal election and Gough Whitlam was sworn in as Prime Minister. As we saw in chapter 2 (section 2.5), Whitlam named Al Grassby Minister of Immigration and gave him the mandate of reforming Commonwealth policies to replace assimilation with multiculturalism as the basis for integrating immigrants into Australian society (McDougall 2015: 34). The Whitlam government proceeded to ratify the United Nations Convention on the Elimination of Racial Discrimination in October 1975 and adopted the *Racial Discrimination Act* immediately after (*ibid.*).

The next year New South Wales’ voters elected the State’s first Labor government in over a decade. New Premier Neville Wran took over much of the agenda Whitlam had developed for the Federal ALP, including anti-discrimination legislation (Kingston 2006: 206). During the campaign, Wran had outlined his Government’s proposed “policy in relation to ethnic affairs”, which would be brought under the control of the Premier. Upon election, he introduced the Ethnic Affairs Commission Bill whose purpose was to provide better assistance to “our newer citizens” through improved access to interpreters, recognition of overseas qualifications, flexible adult

language courses, ethnic schools and “constructive encouragement for the ethnic groups to preserve their own traditional language and culture” (New South Wales 1976: 3320-21). Wran summarized the significance of the legislation by stating, “the Government has adopted an entirely new approach to participatory democracy for the ethnic people” (*ibid.*: 3321). Wran followed up a few days later with the introduction of the Anti-Discrimination Bill “to render unlawful racial, sex and other types of discrimination,” and to “promote equality of opportunity between all people” (*ibid.*: 3193). The legislation established an Anti-Discrimination Board empowered to hear complaints, to make orders, including for damages, and undertake a proactive role in combatting discrimination through research, seminars and liaison with other government departments and authorities (*ibid.*). Thus, a decade after the Freedom Ride rolled through country NSW, the State Government finally passed legislation prohibiting racial discrimination and segregation in places otherwise accessible to the general public (*ibid.*: 3339).

As the Commonwealth Government then began preparing its Review of Post-Arrival Services and Programmes chaired by Frank Galbally, the Ethnic Affairs Commission prepared a Report for the Premier of New South Wales called Participation. The stated aim of the Report was for the Commission to “look beyond the concept of multiculturalism seen only as a need to preserve the cultural heritage of Australians with a non-English speaking background” and identify ways of enabling the civic participation of immigrants and ethnic minorities (EAC 1978:1). The 1978 Participation Report prescribed ways of enhancing equal opportunity in the employment, education, and public sectors. More importantly, the 1978 Report insisted that “the State Government deals with matters which affect the lives of people every day” to a much greater extent than the Commonwealth Government (*ibid.*: 1). Indeed, the Report sought to isolate the policy areas where the State Government had a preponderant role and implement its philosophy of equal

opportunity in those areas (*ibid.*: 2). Thus, the Participation Report was a decisive moment for Commonwealth-State relations regarding multiculturalism policies. Henceforth, the NSW Government would assume a lead role on establishing programs and providing services that benefit ethnocultural minorities, while reconciling Commonwealth policies with the realities of the State (*ibid.*)

There is, however, a long history of anti-Canberra sentiment in NSW politics (Kingston 2006: 182) and it would not be long for such criticism to extend to multiculturalism policy. During debates over the 1979 Ethnic Affairs Commission Amendment Bill, the Minister of Education, Lance Bedford (ALP), claimed that “the Galbally report is still only a document; it is not backed with money” (New South Wales 1979: 3182). Bedford insisted that his Government had informed Canberra that “we are aware of the recommendations of the Galbally report and would certainly like to be involved in their implementation” (*ibid.*: 3182). But in order to do so, additional guidance and funds from the Commonwealth would be required. Notwithstanding this, the amendments to the legislation made the Ethnic Affairs Commission of NSW a statutory corporation (*ibid.*: 3179), added the teaching of minority languages and multiculturalism in the public-school system (*ibid.*: 3187), and improved immigrant settlement services (*ibid.*: 3661). Other States – South Australia (1980), Victoria (1982) and Western Australia (1983) – eventually followed suit by setting up their own Ethnic Affairs Commission.

The Ethnic Affairs Commission (EAC), therefore, laid down the institutional foundation for the development of New South Wales’ multiculturalism policy. More importantly, Premier Neville Wran emerged as an early advocate of multiculturalism and political entrepreneur. He believed multiculturalism should become a guiding principle for how public institutions and services are receptive to the needs and “respond to all people in this State” (New South Wales

1985: 8127). Wran also insisted that such institutional change implied “a response to that often subtle manifestation of racism which takes the form of denying to some citizens equal access to services and facilities intended for all without discrimination” (*ibid.*). Under his leadership, overt forms of racial discrimination were also prohibited by law and complaints handled by the Anti-Discrimination Board (*ibid.*: 8128), with the Commission empowered to report and make recommendations to the Board (EAC 1986a: 7). As a result, the programs that stemmed from the Participation Report formed a conception of multiculturalism that incorporated aspects of all three policy dimensions: promoting a *multicultural identity*, advancing *social justice*, and enabling the *civic participation* of all New South Wales. Efforts to formalize these programs and the role of the EAC were supported by the enforcement of new compliance standards, the Ethnic Affairs Policy Statements (EAPS)<sup>84</sup>, and establishment of the Ethnic Affairs Ministerial portfolio<sup>85</sup> in December 1984 (EAC 1986a: 9-10). However, just as the NSW Labor were celebrating ten years of Wran government in May 1986, the Premier resigned a month later amidst corruption allegations within his close circles (Barclay 1986: 461). In addition to the surprising resignation of an early political entrepreneur in the State of NSW, the EAC warned of growing “ill-founded criticisms of multiculturalism” in the press, including some “unashamedly racist” articles (EAC 1986a: 9). To make matters worse for the State’s policy, indications that the Commonwealth Government’s commitment to multiculturalism was weakening were confirmed when the 1986 Budget revealed cuts to English-as-a-Second Language programs and Special Broadcasting Services (*ibid.*), along with abolishing the Australian Institute of Multicultural Affairs (Birrell and Betts 1988: 261). With

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<sup>84</sup> Starting in December 1986, all government organizations would henceforth have to submit an EAPS to the Commission annually (EAC 1986b: 2). The Annual Reports were expected to present an introduction, a progress report, a critical assessment of implementation progress, and forward planning of objectives, strategies, responsibility and target dates (*ibid.*).

<sup>85</sup> Even though the new portfolio made the Commission an administratively autonomous body and independent from the Premier’s Department on 1 March 1985 (EAC 1986a: 9), Premier Wran nevertheless remained the Minister responsible for Ethnic Affairs.

the bicentenary celebrations of the arrival of the First Fleet of British settlers and convicts to Sydney set to take place in 1988, Australians appeared increasingly divided on the legacy of colonisation and the merits of multiculturalism. The contrasting approaches to multiculturalism policy development between the NSW and Commonwealth governments would highlight the growing contention about how to recognize and accommodate cultural diversity.

### *5.2 Contention Over Policy Outputs*

On January 26, 1988, twenty thousand protesters and Aboriginal activists marched from Redfern to La Perouse to disrupt the Bicentenary celebration of European colonisation in Sydney's harbour front. Rather than commemorate the white settler occupation of traditional indigenous lands, the protesters cast the re-enactment of Captain Cook's landing as a "Day of Mourning" (Hamilton 2016: 124). Many nevertheless believed the Bicentenary celebrations were warranted. The NSW Labor government of Barrie Unsworth injected more than \$235 million into bicentennial projects at Darling Harbour, along with other grants for projects related to the celebrations (New South Wales 1986: 5221). Feeling the rising resistance towards the approaching events, the NSW Minister of Transportation, Terry Sheahan, stated simply that, "200 years of New South Wales and 200 years of European settlement is worth a reasonable celebration" (*ibid.*: 5258). Like the Freedom Riders before them, disrupting the bicentennial party meant challenging preconceived notions on colonisation and forced a critical self-examination of race relations in Australia, with New South Wales' capital at the centre of it all.

Deteriorating economic conditions in the 1980s had culminated in a dramatic stock market crash in 1987 (Kingston 2006: 219). It was in this context of economic decline that the Liberal/National Coalition won the March 1988 NSW State elections. Believing in the superiority

of market forces over government for regulating society, new Premier Nick Greiner promptly announced across-the-board spending cuts, deregulation and privatisation (*ibid.*: 232; K.H. 1988: 412). Downsizing the public service actually resulted in accrued powers for the Premier as Greiner abolished the Department of Finance and named himself Treasurer; abolished the Public Service Board but created an Office of Public Management; abolished the Department of Aboriginal Affairs and shed his ministerial responsibilities towards the Anti-Discrimination Board and Equal Opportunity Tribunal, but named himself Minister of Ethnic Affairs (K.H. 1988: 412). With all this restructuring, it came as a relief to the Ethnic Affairs Commission when Premier Greiner, himself the son of Hungarian immigrants, assumed responsibility for the Ethnic Affairs portfolio and maintained program funding (EAC 1988: 13). It was a surprising decision, for the public debate over immigration and multiculturalism was intensifying.

In late 1987, the New South Wales' EAC made a submission to the Committee to Advise on Australian Immigration Policies (CAAIP) headed by Dr. Stephen FitzGerald. Its submission reminded the Commonwealth Government of its responsibility to "ensure that public opinion is kept informed of the positive features of the immigration program" (EAC 1988: 36). However, as we saw previously, the release of the FitzGerald Report had the opposite effect. It provoked widespread commentary with many op-eds and columns applauding the Report's critique of multiculturalism.<sup>86</sup> Some called multiculturalism "divisive and therefore undesirable" (Arndt 1988: 2); others were concerned that "an excessive emphasis on preserving racial identity could lead to physical separation [...] ghettos of the mind and spirit" (O'Brien 1988: 2), and that

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<sup>86</sup> The FitzGerald Report's recommendations were also widely criticized. Professor James Jupp, author of the 1986 Review of Migrant and Multicultural Programs and Services, condemned the Report in an op-ed for how it had "accepted all sorts of stereotypes" and warned that it would "frustrate the racist minority that wants a return to white Australia" (Jupp 1988: 2). Jupp did find that the Report had written a compelling and well-researched analysis of immigrant selection policy. However, he called it "amateurish and ill-informed on settlement policy" (*ibid.*). The National Immigration Conference, comprised of 22 bodies concerned with immigration and ethnic affairs, rejected the FitzGerald Report (Canberra Times 1988: 1).

Australia would be “balkanised into numerous mini-nations” (Costigan 1988: 6). The Federal Leader of the Opposition, John Howard, whose personal beliefs were vindicated by the FitzGerald Report, tried to capitalize on this growing public resentment. At a June 1988 Liberal Party convention, Howard affirmed that, “if multiculturalism is to be some kind of apology for being Australian or some kind of federation of culture, then I’m all against it” (Canberra Times 1988: 1). Thus, as the Hawke Labor Government was nearing the release of the National Agenda for a Multicultural Australia – to clearly define Australia’s policy of multiculturalism and “address genuine public concerns and misconceptions” (Australia 1989: 3) – the Opposition spokesman on immigration, Alan Cadman, confirmed a Coalition government would abandon the term “multiculturalism” (Canberra Times 1989: 10).

Even though the NSW *Ethnic Affairs Commission Act* did not contain any reference to the term “multiculturalism”, it did actively promote the concept and therefore was subjected to the same criticism. The NSW Government nevertheless increased budget allocations to the EAC in 1989. Contrary to his federal counterparts, Liberal MLA Paul Zammitt applauded the move and viewed it as a sure sign of “a government that is implacably committed to multiculturalism” (New South Wales 1989: 11216). In early 1989, the new Chairman of the EAC, Stepan Kerkyasharian, took up the appointment with the feeling that a “new community awareness of the nature of our multicultural society – its benefits, its problems, and its potential – required that the Commission be reshaped to meet the changing perception of its role and the changing demands being made upon it” (EAC 1989: 13). This recognition of the apparent tension between policy and socio-political context resulted in a “major restructure” to make the Commission “proactive rather than reactive” (EAC 1990: 2). This signalled the arrival of a *policy entrepreneur* at the head of the EAC precisely at the opening of a *critical juncture* for multiculturalism policy in NSW. Going forward,

Kerkyasharian therefore established the following primary objectives for the Commission's corporate plan: (1) combating racism and racial disharmony; (2) promote a new understanding of multiculturalism and facilitate institutional change; (3) provide translation and interpreter services; and (4) improve the recognition of overseas qualifications (EAC 1990: 2). In keeping with its new number one goal of combatting racism, the Commission organized a Summit meeting in June 1989, bringing together heads of organizations, State and Commonwealth Government and community groups to review actions taken, objectives, available resources and potential anti-racism strategies (EAC 1989: 17).

Meanwhile, under the advice of the Anti-Discrimination Board (ADB) and EAC, New South Wales' Attorney-General, John Dowd (LP), introduced a Bill to amend the Anti-Discrimination Act to outlaw "racial vilification or incitement to racial hatred" (New South Wales 1989: 7488). The law established both civil remedies and criminal offences in the case of "serious racial vilification" (New South Wales 1989: art. 20D), the first statute to regulate hate speech in Australia.<sup>87</sup> The former RSL national president, Sir William Keys, publicly endorsed the changes alongside the ADB president, arguing it would complement the Commonwealth Government's National Agenda and serve as a deterrent against racial vilification or "silly resolutions against multiculturalism" (Canberra Times 1989: 3). The editors of the Canberra Times, by contrast, felt "the logic of this law is frightening" because of the limits it could impose on freedom of expression (Canberra Times 1989: 6). They argued,

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<sup>87</sup> The emphasis of the amendments was on conciliation and education facilitated by the ADB to try and resolve complaints through civil remedies. The ADB cannot, however, initiate a complaint, the alleged victims have to lodge the complaint and incidents reported have to have happened in NSW (Gelber 2000: 13-4). Only when conciliation proves unsuccessful can a complaint be referred to the Equal Opportunity Tribunal for adjudication (New South Wales 1989: 7489).



Speech cannot be half free. Free speech must embrace the right to speak harmfully, stupidly and with bigotry. We must be able to disagree with everything someone says and yet defend their right to say it. Free speech generates its own virtue. Unpalatable free speech should be countered with more free speech; the more of it the better. Eventually people will decide what they want to hear and read, and those who speak poison get no listeners. Racists deserve to be ignored; that will cause them far more humiliation than Mr Greiner's law. (*Ibid.*)

The Attorney-General was adamant, however, in reassuring that “the Government does not intend to interfere with freedom of speech but it must redress the balance, to allow people who come to our shores to have the same rights as those whose ancestors were born here” (New South Wales 1989: 7491). It should be noted that, unlike the freedom of expression and freedom of the press provisions in Canada's *Charter of Rights and Freedoms* (art. 2(b)), free speech does not possess an explicit statutory or constitutional protection in Australia (Gelber 2007: 2). Thus, New South Wales' anti-vilification law experienced little to no impairment on free speech grounds (*ibid.*: 4). Legal scholar Katharine Gelber furthermore argues that in comparison to federations like Canada and the US, “the Australian legal landscape is more generously disposed towards government intervention against the more mundane manifestations of hate speech which typically form the basis of civil complaints” (*ibid.*: 9). Consequently, in spite of the impassioned reactions the law received in the media, it benefited from broad support in the NSW Parliament and was assented to on 17 May 1989.

The legislative and structural changes to the ADB and EAC were timely and significant as NSW entered a critical juncture for multiculturalism policy in Australia. It ensured State institutions were ready and taking proactive measures to combat racism before the release of the Report of the National Inquiry into Racist Violence in Australia on March 27, 1991. For instance,

on November 28, 1990, the Commissioner of the National Inquiry, Irene Moss, and Chairman Kerkyasharian of the EAC, jointly convened a meeting of representatives of Australian Arabic and Muslim community organisations to discuss with senior media personnel concerns over inaccurate and insensitive media reports causing tension and hostility towards Australians of Arabic background or Muslim faith (Human Rights Australia 1991: 21-2). The Sydney meeting established dialogue between both groups and the approach was copied soon after by the Victorian Ethnic Affairs Commission (*ibid.*: 22). Still, in the aftermath of a damaging report from the Independent Commission Against Corruption (ICAC), Premier Nick Greiner was forced to resign on June 24, 1991 (R.K.D.S. 1992: 422)<sup>88</sup>. The loss of a proven advocate of multiculturalism did not, however, affect the EAC's operations. While combating racism remained a priority, the Liberal Government now lead by John Fahey made improving migrant settlement services central to the Minister of Ethnic Affairs' mandate. The EAC had in fact advised the Minister to create a State-Commonwealth Consultative Committee on Immigration Matters (EAC 1991: 16). For by 1993, Sydney had officially overtaken Melbourne as Australia's "migrant capital" (EAC 1993: 1). Moreover, federal cuts to adult ESL by the Labor Keating Government were adding further strain to the provision of public services in a growing and increasingly diverse population, especially in the Western suburbs of Sydney (Kingston 2006: 244). It was in this context of Commonwealth cutbacks that the Fahey Government proclaimed its NSW Charter of Principles for a Culturally Diverse Society<sup>89</sup> and established the NSW Inter-Departmental Committee on Migrant Settlement

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<sup>88</sup> Greiner had campaigned on the promise of eliminating patrimony and corruption in the NSW government. He created the ICAC to fulfill that promise without thinking it could one day serve his downfall. ICAC launched an inquiry in April 1992 surrounding the appointment of former Liberal MP, Terry Metherell, to a senior role in the Environment Protection Agency (EPA). Even though the ICAC inquiry concluded Greiner's actions were not criminal, his actions were deemed corrupt under the ICAC Act. Greiner was subsequently forced to resign by members of the NSW and Federal Liberal Party, including Opposition Leader John Howard (R.K.D.S. 1992: 420-2).

<sup>89</sup> The NSW Charter of Principles for a Culturally Diverse Society required all Government departments develop Statements of Intent and Charter Implementation Plans, thereby essentially replacing the EAPS program introduced in 1983 (Roth 2007: 20).

(NICOMS) (EAC 1993: 14-6). The NICOMS lead to the creation of the NSW Integrated Settlement Plan to facilitate cooperation from Federal, State and local government services in employment and training, ESL teaching, access to community grants and aged care services (EAC 1994: 23). Moreover, a 1993 Cabinet reshuffle changed the name of the portfolio from “Minister for Ethnic Affairs” to “Minister for Multicultural and Ethnic Affairs”, giving the portfolio its first “stand alone” Minister, Michael Photios, with no other cabinet responsibilities. The elevated status of the Ministry was met with a corresponding 57% budget increase in 1994 (EAC 1994: 2). Thus, before debates over immigration, freedom of expression and multiculturalism would inflame Federal politics in the aftermath of the 1996 election, NSW had already equipped itself with robust institutions to adapt public service provision to the needs of a rapidly changing population. The next section will show how and why the 1995 NSW State elections were critical to the activation of the mechanism of defection and eventual replacement of the Ethnic Affairs Commission.

### *5.3 Reforming Institutions and Protesting Federal Policies*

The 1995 NSW State election showcased contrasting campaigning styles, with Premier Fahey eschewing anything other than a very controlled environment, while Labor leader Bob Carr appeared comfortable in impromptu exchanges with voters in the streets and public spaces (B.P. 1995: 453). When Carr became Labor leader in 1988, it surprised many within the party. He had never held any major portfolios, was seen as detached, academic and impractical. He did not drink beer, nor did he even drive a car (Kingston 2006: 238). Yet, his party managed to win the election with an incredibly narrow one-seat majority (B.P. 1995: 453). Upon forming his first Cabinet, Carr named himself Minister of Ethnic Affairs and followed-up on a pre-election commitment of initiating a review of the 1979 *Ethnic Affairs Commission Act*. To do so, the Government

established a Review Steering Committee to conduct public consultations eventually leading to the Green Paper *Building on our Cultural Diversity* (EAC 1996: 12).

Meanwhile, John Howard's Liberal party gathered an outright majority in the 1996 federal election, which also saw the election of Pauline Hanson. The result of the federal election proved equally worrying for Carr and the EAC. The March 2<sup>nd</sup> federal election provoked a period of reflection between Carr and his colleagues since Labor suffered some of its heaviest losses in NSW ridings (J.C. & R.Y. 1996: 413). For the EAC, it was compelled to take on a high-profile role when racist comments became routine during the campaign, particularly from the new member for Oxley (EAC 1996: 11). But the Australian Prime Minister was unfazed by the EAC's call for self-restraint. Rather than distancing himself from Hanson's populist rhetoric, Howard told the State Council of Queensland Liberal Party that the election of his government had "released Australians from the grip of political correctness" (I.W. 1997: 216). Although apparently intended as a plea for moderation, Howard's clumsy remarks lent credence to Hanson's maiden speech and unleashed an outpouring of racial prejudice and misinformation about immigration, particularly on talkback radio stations (*ibid.*).

Against the backdrop of a growing backlash against multiculturalism and the immigration "debate" triggered by Hanson and Howard, the NSW Government – the only Labor State in Australia at the time – revealed its new vision for the EAC with the release of the White Paper: *Building on our Cultural Diversity: Ethnic Affairs' Action Plan 2000*. The document would serve as the State ethnic affairs policy up to the year 2000 and lead to the introduction of the Ethnic Affairs Commission Amendment Bill in October 1996. While introducing the Bill to the Legislative Assembly, Premier Carr called on his peers "to publicly state their disapproval of those whose actions promote racial intolerance", adding that, "in the current climate it is timely and

appropriate that the New South Wales Parliament in passing amendments to the Ethnic Affairs Commission Act supports our cultural diversity” (New South Wales 1996: 5214). The legislation received support from the Liberal Opposition – which had presented a Charter of Principles for a Culturally Diverse Society Bill a week earlier – and was assented to on November 26, 1996. Even though the Government insisted the amendments “enshrine in legislation the principles of multiculturalism in New South Wales” (*ibid.*: 6930), the term “multiculturalism” was absent from the Act. Given the acrimonious debates that were dividing public opinion over the merits of multiculturalism, the Carr Government opted for the more politically neutral “principles of cultural diversity”, enshrined in section 3 of the Act. Notwithstanding the semantics of the Act, the amendments did reinforce compliance standards. The Commission would henceforth, under section 17 of the Act, have its annual report tabled in Parliament by the Minister of Ethnic Affairs. Moreover, the Government re-introduced the EAPS program through memorandum No 97-7, which required all NSW departments and agencies to prepare an EAPS and for these to be reflected in the EAC’s annual report (NSW Parliament 2016: 7).

The Commonwealth Government formed the National Multicultural Advisory Council (NMAC) shortly after to advise the Minister on a policy framework and implementation strategy to accommodate Australia’s linguistic and cultural diversity (NMAC 1997: 17). NMAC launched its own discussion paper, “Multicultural Australia: The Way Forward”, seeking public input on a new multiculturalism policy. The NSW Ethnic Affairs Commission prepared a submission in which it urged the Commonwealth Government to “continue to support and promote the policy of multiculturalism” as well as “enshrine it in legislation” (EAC 1998: 15). Invited for questioning period before the Senate’s Legal and Constitutional Legislation Committee, however, NMAC member Dr Nguyen-Hoan admitted there was “some concern about the term ‘multiculturalism’”

and that the Council's terms of reference did in fact question the need to find a substitute (Australia 1997: 80). On this specific proposition, the EAC declared itself "emphatically opposed to the abandonment of the term multiculturalism", for it would "inevitably be seen as a change of policy and would deepen rather than alleviate whatever uncertainty exists" (EAC 1998: 14). The NMAC published its report, "Australian Multiculturalism for a New Century: Towards Inclusiveness" in April 1999. In it, the Advisory Council recognized the continuing importance of Australia's multiculturalism policy and recommended that term "multiculturalism" be retained, but be referred to as "Australian multiculturalism" to affirm "the right of all Australians to express and share their individual cultural heritage within an overriding commitment to Australia" (NMAC 1999: 43). In December 1999, the Commonwealth Government issued a response to the NMAC's Report in a policy statement called "A New Agenda for a Multicultural Australia," in which it expressed a general support for the Report's recommendations (Australia 1999). It did not, however, give a legislative basis to its new policy nor did it subsequently implement many of the recommendations (EAC 2000: 39; Jupp 2007: 95).

By contrast, following the sweeping victory and re-election of the ALP in the March 1999 NSW State elections, Bob Carr changed the name of the portfolio "Ethnic Affairs" to "Citizenship" (Clune 1999: 557). This decision represents the point of activation of the mechanism of *defection*. Amidst growing public criticism over perceived "special privileges" for ethnocultural minorities and increasing resentment towards an ascribed "ethnic" status, Carr's reform worked towards the active cultivation of a new guiding idea and logic of action inside an existing institutional setting. Questioned by the Opposition on the name change, the Premier responded,

The Government will be replacing the Ethnic Affairs Commission of New South Wales with a Community Relations Commission. The new commission will build on the successful record of the

Ethnic Affairs Commission in working against discrimination, intolerance and ignorance. It will also have a broader role in promoting the benefits of cultural diversity, ensuring that everyone in New South Wales understands and values cultural diversity as an asset. The new commission will also actively encourage those who are eligible to take up formal citizenship to do so at the earliest opportunity. (New South Wales 1999: 980)

Thus, there is a deflection of ethnicity towards a new guiding idea of citizenship and the logic of action is to involve all residents and extend service provision throughout the State. The proposed policy reform did encounter some resistance from the Opposition. James Samios, Deputy Leader of the Liberal Party in the Legislative Council, tabled a motion of condemnation accusing the Premier of “failing to consult with peak and other ethnic community bodies and leaders prior to the Government’s announcement on 8 April 1999” (New South Wales 1999: 542). Samios contested the name change arguing that “the Government is not educating people about the use of the words ‘ethnic’ and ‘ethnicity’”, adding that removing the term “would denigrate the important cultural background of every person in this country” (*ibid.*). The Commission welcomed the proposal to replace the EAC with the Community Relations Commission but acknowledged the proposed name change had “generated active debate among ethnic communities and received extensive media coverage” (EAC 2000: 7).

In June 1999, to gain public and parliamentary support for the proposed reform, the NSW Government circulated a consultation document for community input called *The Way Forward*. The discussion paper outlined the planned objectives and functions of the new Commission and defined citizenship as going “beyond the legal definition of naturalisation” (EAC 1999: 2-3). Rather, for the State government – which has no constitutional power over naturalisation policy – citizenship means “membership of a harmonious linguistically, ethnically, religiously and racially

diverse and inclusive society, which celebrates cultural diversity; and at the same time emphasises shared civic values and adherence to the principles of democracy and the rule of law” (*ibid.*). Evidently, the State’s definition of “citizenship” bore a strong resemblance to the NMAC’s definition of “Australian multiculturalism”, appearing in its May 1999 Report.

Yet, for all the debate over the use of the terms “ethnic” and “ethnicity”, the term “multicultural” and “multiculturalism” are curiously absent from the consultation document, which repeatedly uses the expression “cultural diversity” instead. Indeed, throughout the public consultation phase, the proposed name of the Commission proved to be one of the more contentious issues with many advocating the inclusion of the word “multicultural” (New South Wales 2000: ix). Consequently, a General Purpose Standing Committee was set up in the Legislative Council on February 2, 2000, following the tabling of the Community Relations Commission and Principles of Multiculturalism Bill. The Committee’s mandate was to inquire into and report on a reference relating to multiculturalism in New South Wales (*ibid.*). The Committee attracted considerable public interest.<sup>90</sup> During the hearings, Neville Roach, Chairman of the Council for Multicultural Australia, highlighted the significance of the policy reform in the overall context of multiculturalism, affirming that, “within Australia, New South Wales [...] is clearly the pacesetter and the leader. Australia cannot achieve much unless New South Wales is in step, and in fact quite often providing leadership” (*Ibid.*: 23).

On that matter, while many agreed with the general thrust of the Bill and removal of the term “ethnic”, the vast majority of respondents favoured the inclusion of the word “multicultural” in the legislation’s name either to complement Community Relations or replace it (*ibid.*: 31-3). Even the EAC’s submission agreed with the name change feeling it “signals to the community that

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<sup>90</sup> The Committee received a total of 96 submissions and 6 supplementary submissions, along with the oral evidence provided by 43 witnesses during public hearings (New South Wales 2000: ix).



the organisation is not ‘for’ a certain group of people in our society,” and that the name “will reinforce inclusiveness and counteract the notion that multiculturalism is divisive and leads to cultural ghettos” (*ibid.*: 41). As a result of the debate over the proposed name change, the Committee recommended a compromise of incorporating the term “multiculturalism” in the legislation, along with a clear indication of the role of the Commission (*ibid.*: 44). The title of the Act should adopt the phrase “for a multicultural NSW” to be used in conjunction with the name of the Commission in promotional literature, official documents and other material issued by the Commission (*ibid.*: 56).

On November 9, 2000, the *Community Relations Commission and Principles of Multiculturalism Act* received Parliament’s assent. The *political entrepreneur* orchestrating the reform was undoubtedly the Premier and Minister for Citizenship, Bob Carr. His goal of *deflecting* the term “ethnic” was accomplished by instituting the notion of citizenship as a guiding principle of the Act and Commission’s mandate. In addition, active community engagement during public consultations resulted in also enshrining the concept of multiculturalism “during a time when a vocal minority are feeling threatened by multiculturalism” (*ibid.*: ix). Resistance of this “vocal minority” had proven too great for the Commonwealth Government in the follow-up to its New Agenda for a Multicultural Australia. Yet the majority of the submissions received argued for multiculturalism in NSW. Thus, public participation managed to persuade the Premier to overcome his initial reluctance and in fact make the “principles of multiculturalism” the official policy of the State as defined in article 3 of the Act. The Chair of the Commission, Stepan Kerkyasharian, was one of the leading voices advocating for the inclusion of multiculturalism in the legislative statute. Acting as a *policy entrepreneur*, Kerkyasharian supported Carr’s reform agenda. Both Carr and Kerkyasharian expressed criticism towards the Commonwealth Government’s immigration and

Aboriginal affairs policies. Since his appointment to the position in 1989, Kerkyasharian had steered consecutive restructurings of the organization's corporate plan and policy outputs (1990, 1995, and 2000), while ensuring consistent monitoring of the EAPS program. The *Ethnic Affairs Commission Act* was a detailed statute with specific provisions regarding the composition of the Commission (Part 2, art. 7-14), its objectives (art. 15) and functions (art. 16). Legally binding compliance standards that required an annual report from the Commission tabled in Parliament were enforced (art. 17) with all departments and agencies having to demonstrate their efforts to comply with the Act. Such precise *institutional rules* and oversight procedures lower the Minister's discretionary power. After a series of minor amendments, giving a legislative basis to a new guiding idea and logic of action could not be achieved by simply reinterpreting the Act's provisions differently. Such substantive changes required a more comprehensive policy reform as actors placed in a position of authority publicly defected from the status quo. Consequently, the NSW Government followed-up on an election campaign commitment to reform the Ethnic Affairs Commission. The *Community Relations Commission and Principles of Multiculturalism Act* thereby replaced the EAC Act following parliamentary hearings, debate and consultations that confirmed the broad public and bipartisan support for the reform. Thus, the paradox of this process of institutional change is that the key entrepreneurs were the Chair of the Ethnic Affairs Commission, Stepan Kerkyasharian, and the Minister of Ethnic Affairs, Bob Carr. Together, they were able to form an alliance at this critical juncture where one provided the policy ideas and advice that match the political aspirations and promises of the other. The next section examines how and why New South Wales' multiculturalism policy reform was subsequently consolidated.

#### 5.4 Consolidating a Policy Transformation

Consolidating the State's new policy of multiculturalism did not come without its challenges. In the year Sydney received worldwide attention as it hosted the Summer Olympic Games, NSW began implementing its principles of multiculturalism based on citizenship. This idea of multicultural citizenship means that all have a right to equal opportunity and access to public services that recognize and accommodate the linguistic, religious and cultural diversity of all. It also means that all have a responsibility to uphold Australia's "legal and institutional framework where English is the common language" (NSW 2001: art. 1(b)), "shared values within a democratic framework governed by the rule of law" (*ibid.*: art. 2(a)), and "a unifying commitment to Australia" (*ibid.*: art. 2(b)). Considering the fact that Australia's Constitution has no official language or bill of rights, the new policy enshrines a surprisingly republican<sup>91</sup> conception of multiculturalism, where citizens have a shared set of rights and responsibilities towards the polity. This was a departure from the EAC's access and equity approach focused on providing services to ethnocultural minorities and immigrants, to one that seeks the participation of the whole community. Bob Carr also made it clear that the Howard Government's reluctance to enshrine multiculturalism in legislation and failure to recognize the lasting hardships of the "stolen generation"<sup>92</sup> gave the NSW government "all the more reason [...] to talk about the Australian

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<sup>91</sup> One should note that the reform of the Ethnic Affairs Commission occurred in the context of the 1999 Australian republic referendum, where a 54.87% majority turned down the amendment to the Constitution. Bob Carr was a noted supporter of the republican movement. For instance, Carr tabled a motion on March 29, 1993 calling on the NSW Legislative Assembly to "endorse the Premier [Keating's] public statement concerning the inevitability of an Australian republic" and for the State to have "a wide-ranging community debate on the necessary constitutional change" (NSW 1993: 949).

<sup>92</sup> The "stolen generation" refers to the thousands of Indigenous children who were forcibly removed from their family and sent to attend school in distant places for medical treatment, or placed in non-Indigenous foster homes "where their identity was denied or disparaged" (Commonwealth of Australia 1997: 28). When the *Bringing them home* Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families was released in April 1997, Premier John Howard responded that "Australians of this generation should not be required to accept guilt and blame for past actions and policies over which they had no control" (Dow 2008). In NSW, the power to remove children from their families and place into care under a policy of assimilation was given to the Aborigines Welfare Board under the *Aborigines Protection Act* of 1909 (NSW Government 2016: 5).

success story of multiculturalism when we get such a depressing message on race-related issues out of Canberra” (New South Wales 2000: 5137). Carr then tried to persuade other State leaders to follow the NSW approach of enshrining multiculturalism policy at a meeting of Commonwealth and State Ministers. He claimed his proposition received “a high level of support and interest from the other States” (*ibid.*). Thus, Carr’s political entrepreneurship went beyond transforming the policy of NSW with regards to multiculturalism. He also sought allies in other States that shared his idea of multicultural citizenship with whom he could pressure the Commonwealth Government to enact similar policy changes. But a series of events would trigger another ugly public debate on immigration and call into question the merits of multiculturalism. This would be the first real test of the new Community Relations Commission’s (CRC) ability to de-escalate social tensions and the sincerity of Premier Carr’s policy of multicultural citizenship.

It began in late August 2001 when a Norwegian freighter *Tampa* was denied entry to Australia after rescuing 460 asylum seekers from a sinking vessel off the coast of Western Australia (Wear 2002: 241).<sup>93</sup> The Howard Government, with the support of the Labor Opposition, adopted its controversial “Pacific Solution” whereby New Zealand would take 150 of the asylum seekers and the rest would be taken to detention centers on nearby pacific islands while their claims to refugee status were processed (*ibid.*: 243; Pietsch 2013: 151). Former Liberal leaders, including Malcolm Fraser, repeatedly criticized the government’s asylum policies, which were the subject of considerable negative foreign press. However, domestic public opinion mostly favored the Government’s draconian approach and the criticism only seemed to hardened Howard’s resolve to “stop the boats” (Wear 2002: 244). The September 11 terrorist attacks in the US added to the

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<sup>93</sup> *Tampa*’s captain defied the directive to leave Australian territorial waters and anchored off the coast of Christmas Island. At this point, the vessel was boarded by Special Air Service troops. The Commonwealth Government then hastily amended legislation, removing Christmas Island from Australia’s immigration zone (Wear 2002: 243).

conservative government's growing support and hardline approach to immigration. As a result, on November 26, 2001, Australians re-elected the Liberal/National Coalition to a third Howard ministry and increased majority (*ibid.*: 246).

Shortly before the *Tampa* affair, on July 26, 2001, the Cabramatta Police Inquiry released its report on the effectiveness of policing in Cabramatta, an area of high ethnocultural diversity and socio-economic disadvantage in Sydney's South West, where senior police failed to act on intelligence warning of violence about to erupt between rival Asian drug gangs (Clune 2002: 248). The Report contained twenty-five recommendations, including implementation of a formula taking into account multicultural and socio-economic factors in determining the allocation of police resources and cross-cultural awareness training in the Police Service (*ibid.*: 249). The NSW Premier accepted all of the recommendations and the CRC launched the Cabramatta City Watch initiative to bring together community groups and government service providers to collaborate with local police, enable direct dialogue and respond to community safety concerns (CRC 2001: 24; 2002: 27). On the one hand, Premier Carr gave high praise to the Cabramatta strategy (New South Wales 2001: 17631). On the other hand, he then made deplorable comments targeting young men of Lebanese background when speaking about problems associated to "ethnic gangs" (Clune 2002: 250). The controversy of gang crime led to the introduction of broader and more severe criminal offences. The legislative changes were widely criticized by civil liberty groups as Lebanese community leaders strongly condemned the Premier's comments (*ibid.*). A year later, Carr again made comments interpreted as an attack on Arabic-Australians when, in response to more gang violence, he argued those responsible should "obey the law of Australia or ship out of Australia" (Scalmer 2004: 262), thereby making the issue of street crime an immigration issue.

Despite all this negative press, Labor reinforced its hold on power in the 2003 State election for a third Carr ministry (Scalmer 2003: 572-3).<sup>94</sup>

Against this backdrop of “wedge-politics” seemingly paying dividends for both the Howard Coalition and Carr Labor governments, violent racist attacks erupted on Cronulla Beach in mid-December of 2005. Locals from the conservative Sutherland Shire south of Sydney were incited by email and text message to “reclaim their suburb” at “Leb and wog bashing day” (Maddison 2006: 298; Hamilton 2016: 140). The Cronulla riots resulted in several young men being hospitalized and many others arrested. Galvanized by anti-immigration pamphlets distributed by far-right groups and ugly scenes of offenders draped in Australian flags chanting racist slogans, retaliatory attacks soon followed. The sudden outburst of racial violence dominated headline news for close to a month (*ibid.*). Instead of toning down the rhetoric, politics in Sydney soon became a contest of who was toughest on “ethnic crime” (Maddison 2006: 645). Opposition Leader Peter Debnam accused the Iemma Government of being “soft” on “Middle Eastern revenge attackers” due to “political correctness” (*ibid.*). Debnam then tabled a motion on “youth crime and anti-social behavior” where he demanded the Government to give police the necessary resources to “stop these Middle Eastern thugs” he accused of “running riot across New South Wales” (New South Wales 2006: 22266). Premier Iemma and Police Commissioner Ken Moroney described Debnam’s claims as “untrue, outlandish and offensive”, while the Director of Public Prosecutions, Nicholas Cowdery, agreed the allegations were “contrary to the facts” (Maddison 2006: 645-6). Iemma nevertheless gave in to some of the pressure when he renamed the Taskforce Gain (set-up four years prior to counter organized crime in southwest Sydney), the Middle Eastern

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<sup>94</sup> Carr would not complete his term, however, surprising everyone by resigning from State politics on July 27, 2005 (Maddison 2006: 293). Little-known Morris Iemma was selected by the ALP caucus to become the State’s 40<sup>th</sup> Premier.

Organized Crime Squad (*ibid.*: 646). Thus, policy reforms aimed at defecting from the term “ethnic” clearly remained incomplete. Sure, the term was no longer in use as a positive descriptor of cultural heterogeneity but remained prevalent as a negative descriptor of racialized social deviance.

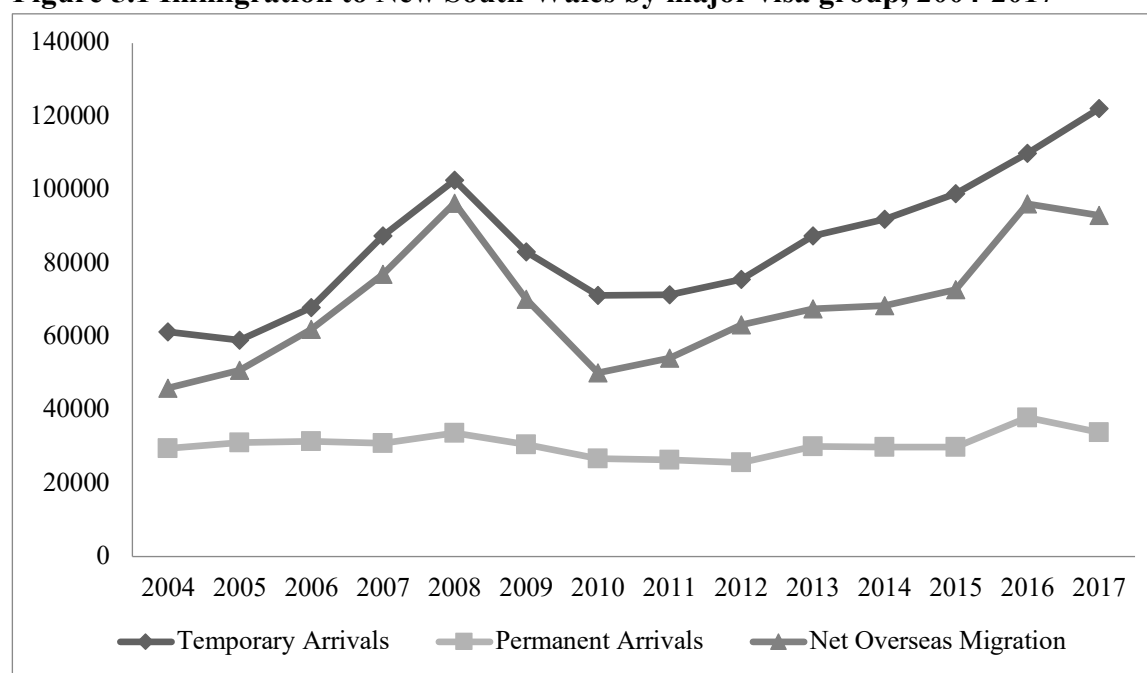
In response to the unrest in Cronulla, the CRC developed the Community Liaison Officer program in accordance with section 12(c) of the CRC Act, “the promotion of a cohesive and harmonious multicultural society with mutual respect for and understanding of cultural diversity”. The Community Liaison Officer program was therefore meant to “dissuade anti-social behavior and prevent misunderstandings between groups in Cronulla” and “welcome people back to the area, especially those of Arabic-speaking background” (CRC 2006: 25). More importantly, inserted in article 27 of the *Community Relations Commission and Principles of Multiculturalism Act* was a clause requiring a review to be undertaken 5 years from the date of the statute’s assent in order to determine “whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives” (NSW 2000: art. 27). In preparation for this review exercise, the NSW Government issued a Green Paper in 2002 and a White Paper in 2004 entitled *Cultural Harmony: The Next Decade* to gather public feedback on ways to update the Act. The former Federal Race Discrimination Commissioner and member of the Order of Australia, Irene Moss, was hired to conduct the 2006 Review. The Moss Review found that “each of the Commission’s legislative objectives can be readily correlated with the government’s broader policy objectives identified in the four principles of multiculturalism” (Moss 2006: 16). For example, the Commission’s lead role as the NSW agency on immigration and settlement planning is “intrinsically related to its legislative objective under s.12(d) to promote the economic and cultural benefits of cultural diversity” (*ibid.*: 18). The Review also recognized that “in the context

of increasing public debate over multiculturalism in Australia in recent times, this review is considered timely” (*ibid.*: 71). To the list of key factors which have directly influenced and impacted the State’s multiculturalism policy over those five years, the Moss Review underlined: (1) demographic factors, including recent immigration trends; (2) international events; and (3) crime, racism, and civil unrest in NSW (*ibid.*: 22).

Regarding demographic factors, the NSW Government announced in 2005 an expansion of its efforts to attract highly skilled professionals and business people to Sydney and elsewhere in the State. Similar to South Australia’s 2004 Population Policy, Figure 5.1 demonstrates a steady rise in immigration in NSW since then, especially in the temporary visa categories. The international events considered by the Moss Review include the 9/11 attacks, the Afghanistan and Iraq wars in which Australian soldiers were deployed, and the 2003 Bali bombings that killed many Australian vacationers (*ibid.*: 26). These events and their portrayal by leading public figures have culminated in the problematic portrayal of “ethnic crime”, associated problems of racism and civil unrest, leading to “an increasing level of criticism directed toward ‘multiculturalism’ by sections of the popular media” (*ibid.*: 29). However, after conducting a thorough analysis of media commentary, the Review concluded “that few, if any, of these criticisms of ‘multiculturalism’ could justifiably be leveled at the policy objectives” as outlined in the Act’s principles of multiculturalism (*ibid.*: 30). The Moss Review nevertheless offered several recommendations for amendments, including some to clarify the meaning of multiculturalism and remove the “vestiges of the ‘ethnic affairs’ framework” of past policies (*ibid.*: 39).



**Figure 5.1 Immigration to New South Wales by major visa group, 2004-2017<sup>95</sup>**



The Review was tabled in the NSW Parliament on July 19, 2007 (New South Wales 2010: 24542), shortly after the March re-election of Morris Iemma's Labor government<sup>96</sup>. Yet it then took three years for the Attorney-General and Minister for Citizenship, John Hatzistergos, to finally table the Community Relations and Principles of Multiculturalism Amendment Bill on June 2, 2010. In the end, the Bill incorporated all twelve recommendations from the Moss Review. In response to the critics and misconceptions circulating in the media about multiculturalism, the references to "the importance of shared values within a democratic framework" and a "unifying commitment to Australia" were elevated to the first part of section 3 on the principles of multiculturalism (NSW 2010: 23506). The Bill brought minor changes to the wording of the

<sup>95</sup> Graph data source: Commonwealth of Australia. "Net Overseas Migration, by Major Groupings and Visa, States and Territories, 2004-17." Australian Bureau of Statistics, July 27, 2018. Online: <https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3412.02016-17?OpenDocument>

<sup>96</sup> Iemma's term in office was cut short, however, when he resigned from his premiership on September 5, 2008, following a very unpopular cabinet shuffle. His three and a half years as Premier and Minister for Citizenship had been marred by controversy surrounding electricity privatization, overcrowded hospitals and faulty rail transit lines, along with open warfare within the ALP ranks (Cox 2009: 269-71). Nathan Rees took over as Premier only to be replaced on December 3, 2009, in a leadership challenge by American-born Planning Minister, Kristina Keneally, New South Wales' third Premier in just fifteen months (Cox 2010: 287).

Commission's objectives in section 12 to clarify how the Government would promote a multicultural identity for the State and enable civic participation. The Bill amended section 13(1)(c) to explicitly add to the Commission's functions the task of conducting "proactive research to identify potential issues relating to community harmony" (*ibid.*) so as to spot tensions in advance and defuse the situation before it escalates into another situation like the one at Cronulla. The Bill also clarified a long-standing ambiguity identified in a number of submissions to the Moss Review (Moss 2006: 61-2): the relationship between the Commission and the Anti-Discrimination Board. The CRC would now have the power to refer matters relating to discrimination "and racial vilification" to the ABD (section 13(1)(m)). More importantly, the Bill also amended the *Anti-Discrimination Act* to require the ABD to carry out an investigation on matters referred to the Board by the CRC (section 119(1)(a)). The Bill was assented to without changes on June 28, 2010. In one of her final policy decisions before the upcoming State election, Premier Keneally issued a memorandum on February 25, 2011 that effectively replaced the EAPS – identified in the Moss Review as one of the last remaining "vestiges of the 'ethnic affairs' framework" (Moss 2006: 39) – with the Multicultural Policies and Services Program (MPSP) in New South Wales. Henceforth, "all NSW Government agencies are required to have a multicultural plan, and to report on it regularly either through their Annual Reports, or through the Annual Report of their Principal Department" (NSW Government MS2011-05).

After fifteen years in the Opposition, the Coalition lead by Barry O'Farrell won the March 28, 2011 election and Victor Dominello was named Minister for Citizenship, Communities and Aboriginal Affairs (Clune 2011: 624-5). Despite making community safety one of the five priority items in the Coalition's platform, the campaign contained none of the racialized "wedge-politics" seen in previous elections. This time, all polls pointed towards a Coalition victory and O'Farrell

proved to be a rather bland yet effective campaigner, deliberately cultivating “the image of being more about unglamorous reality than spin” (*ibid.*: 623). Minister Dominello launched the Multicultural Planning Framework to assist NSW Government agencies to conform to their legislative requirements with regards to the Principles of Multiculturalism (CRC 2011: 9). As the chair of the NSW Government Immigration and Settlement Planning Committee, the CRC continued to lead efforts to increase State sponsored immigration (*ibid.*: 23). Thus, the new Coalition Government showed no indication of wanting to overturn its predecessor’s multiculturalism policy reforms. Rather, it continued the process of displacing the old ethnic affairs framework and consolidating the Commission’s multiculturalism policy set off by policy entrepreneur Stepan Kerkyasharian and political entrepreneur Bob Carr a decade earlier. Having a respected independent reviewer in Irene Moss conducting a thorough public inquiry that confirmed the heuristic value of the multiculturalism policy further legitimized the recent amendments, which received strong bipartisan approval. Along with this perception of legitimacy, the added precision to the institutional rules structuring the NSW multiculturalism policy lowered the new Minister for Citizenship’s discretionary power over the interpretation and enforcement of the Act’s provisions. The final section of this chapter will show how and why the Government of NSW completed the process of displacement with the passing of another legislative statute consolidating earlier changes.

### *5.5 Completing the Displacement of Ethnic Affairs for Multiculturalism*

Between the passage of the CRC Act in 2000 and its amendment in 2010, other Australian States took notice and began following the example set by the NSW Government. Even though South Australia only brought minor changes to its Multicultural and Ethnic Affairs Commission, the

State of Victoria also repealed and replaced its Ethnic Affairs Commission with the *Multicultural Victoria Act* of 2004. The 2002 *Racial and Religious Tolerance Act* and 2006 *Charter of Rights and Responsibilities Act* reinforced the objectives of the new Victorian Commission. The States of Tasmania and Western Australia each adopted a policy statement, in 2001 and 2004 respectively, while the Commonwealth Government presented its third policy statement since the National Agenda, the 2003 *Multicultural Australia: United in Diversity* document. The trend continued after the Moss Review, as Queensland adopted its first policy statement in 2011 and Victoria amended its Act that same year, while the Commonwealth Government pronounced a fourth policy statement, *The People of Australia*, but still no statute enshrining multiculturalism under federal jurisdiction. From the bitter immigration debates of the late 1980s and early 2000s, multiculturalism policy had developed into a dense institutional network largely driven by State officials.

In this new socio-political context, on February 9, 2011, Australia's Joint Standing Committee on Migration accepted terms of reference from the Minister for Immigration and Citizenship, Chris Bowen (ALP), to "assess the benefits of migration, refresh our understanding of current issues, and consider the efficacy of multiculturalism as a framework for settlement, integration and participation" (Commonwealth of Australia 2013: vii). The Inquiry into Migration and Multiculturalism in Australia's report acknowledged that "a significant proportion of multiculturalism policy development and implementation now occurs at the State and Territory level" (*ibid.*: 104). In fact, in its submission to the Inquiry, New South Wales' CRC criticized the Commonwealth government's failure to enshrine "the multicultural principles expressed in *The People of Australia*" (*ibid.*: 118). For the CRC felt this left the policy with "no accountability

mechanisms binding the Australian Government or its agencies for their implementation” (*ibid.*: 118). It furthermore added that

New South Wales has found that a number of inter-related mechanisms are required to achieve sustained and effective multicultural implementation across all government agencies. The local experience includes [...] multicultural principles that are enshrined in State legislation, with the responsibility for their implementation delegated to the chief executive of each public authority. (*Ibid.*)

In other words, clear and legally binding institutional rules matter. They help foster compliance and lower discretionary enforcement opportunities. A decentralized approach where all government department and agencies are involved in the implementation process yields better results. Having Regional Advisory Councils in all areas of the State also ensured a better access to public service provision throughout the State and identify service gaps more effectively. For that matter, Premier O’Farrell issued a memorandum in 2011 that added new lines of reporting to the MPSP (NSW Government 2011). In the end, the Joint Standing Committee on Migration did not recommend Federal multicultural legislation thereby maintaining the status quo (Commonwealth of Australia 2013: 120). In 2013, Julia Gillard’s Labor Government transferred multicultural affairs from the Immigration portfolio to the new Department of Social Services, further diminishing the public profile and budget allocated to Australia’s multiculturalism policy.

In May 2013, Stepan Kerkyasharian, the Chair of the CRC (and previously EAC), announced his retirement after holding the position since 1989<sup>97</sup>. Kerkyasharian received high praise for his work during the twenty-four year appointment, including a motion from the NSW

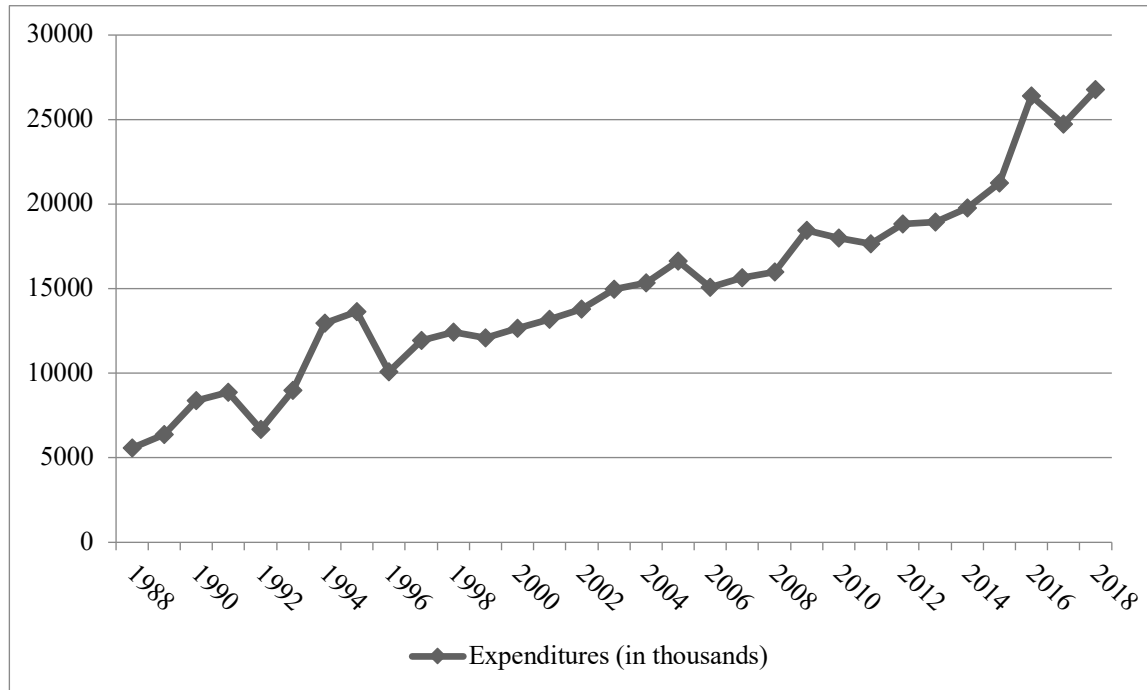
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<sup>97</sup> He had also taken over the role of President of the Anti-Discrimination Board in 2003 after the sudden resignation of the organization’s head, Chris Puplick, who was under investigation by the ICAC for collusion (Scalmer 2003: 573-4).

Legislative Council honoring him for “his outstanding efforts in promoting and overseeing the growth of multiculturalism, social cohesion and inter-cultural dialogue in New South Wales” (NSW 2013: 20887). The Premier, Barry O’Farrell, commended Kerkyasharian for overseeing the transition from Ethnic Affairs to Community Relations, reinforcing the notion that NSW is “a community of communities, united by a commitment to Australia” (*ibid.*: 26261). The Leader of the Opposition, John Robertson (ALP), was no less hyperbolic in his compliments, asserting that Kerkyasharian’s leadership was instrumental in making NSW “the most successful example of a multicultural society anywhere in the world” (*ibid.*: 26262). In the wake of this departure of a key policy entrepreneur and five years out from the previous amendments, Minister Dominello felt it “timely to re-examine this legislation [the *Community Relations Commission and Principles of Multiculturalism Act*] to ensure it accurately reflects who we are and who we want to be” by tabling the Multicultural NSW Legislation Amendment Bill (NSW 2014: 1026). The changes were in line with the work of his Labor predecessors as it sought to “remove any possible pejorative connotations that may be associated with the term ‘ethnic’” and rename the Commission as Multicultural NSW (*ibid.*: 1026-7). The Bill also sought to separate the roles of full-time CEO – a public service employee responsible for the management of the organization – and the part-time Chairperson, two positions previously occupied by Kerkyasharian (*ibid.*). In relation to the objectives of Multicultural NSW, an explicit provision on “combatting racism” was added to “promote mutual respect and understanding of cultural diversity” (*ibid.*). The new provision was inserted after the Federal Coalition government lead by Tony Abbott stated it would remove the words “offend, insult and humiliate” from the hate speech provisions in section 18C of the *Racial Discrimination Act* (Australia 2013: 1238). Minister Dominello from the NSW Coalition government publicly opposed the changes (NSW 2014: 28524). In fact, the Parliament of NSW

Standing Committee on Law and Justice's 2014 report on Racial Vilification Law in New South Wales recommended keeping the racial vilification clause in section 20D of the State's *Anti-Discrimination Act* (*ibid.*: 30292). Consequently, the consolidation of anti-racism measures for the ADB and Multicultural NSW reinforced the *social justice* dimension of New South Wales' multicultural policy. The *Multicultural NSW Act* was assented to on October 28, 2014, the latest reform to a long process of incremental changes. This process of displacement is characterized by a defection from a policy approach targeting immigrant and ethnic minorities to one advocating for a shared form of multicultural citizenship and collective responsibility to uphold its principles. The new Act enshrines the six multicultural principles that make up the policy of the State and expands the network of Regional Advisory Councils to twelve (7 regional and 5 metropolitan) to implement programs and services across all areas of NSW (Multicultural NSW 2018: 37). As evidenced by the steady rise in expenditures shown in Figure 5.2, the Government of NSW has maintained an unwavering commitment to multiculturalism policy, irrespective of the political party in power and despite incidents of racialized violence that polarized public opinion with regards to immigration and multiculturalism. This is a testament of the stability that robust institutional rules provide and of the importance of policy and political entrepreneurship during critical junctures to keep institutions relevant and responsive to emerging concerns.

**Figure 5.2 New South Wales Expenditures for Multicultural Services, 1988 to 2018<sup>98</sup>**



### *Conclusion*

Who would have thought that a group of students travelling on a bus through country towns could be the catalyst to such a broad socio-political transformation? Evidently, protesting injustice has been one of the major forces driving social and political change in New South Wales. In 2015, an impassioned national debate over race and identity broke out over the persistent booing and heckling of Indigenous star Australian rules footballer Adam Goodes (Hamilton 2016: 124). The Sydney Swans forward was embroiled in controversy after denouncing racial slurs directed at him by opposing fans and proudly displaying his Aboriginality during goal celebrations (AFL 2013, 2015). It seemed almost predestined that Goodes' war cry dance was first performed on the same

<sup>98</sup> NSW Government, Treasury, Budget Papers 3 Estimates, 1993-2018, Online: [https://www.treasury.nsw.gov.au/documents-resources/documents-library?field\\_category\\_target\\_id=23&field\\_topic\\_target\\_id=All&ga=2.73076187.994388765.1525790764-1783194484.1525790764](https://www.treasury.nsw.gov.au/documents-resources/documents-library?field_category_target_id=23&field_topic_target_id=All&ga=2.73076187.994388765.1525790764-1783194484.1525790764) ; Ethnic Affairs Commission of NSW, Annual Reports, 1988-92.



Sydney Cricket Ground where, four decades earlier, thousands of protesters disrupted a rugby match in the name of racial equality. Thus, most of the major events of the past fifty years that forced a critical self-examination among Australians happened in NSW and Sydney especially. In these pivotal disruptions to prevailing social norms and state policies, the “Premier State” lived up to its nickname by being a leading figure of institutional change.

Conflict is a necessary part of democracy for it generates the constructive criticism needed to change political institutions. What really matters is not so much the struggles themselves, but what philosopher Etienne Balibar calls the “legitimation of struggle” (2015: 32), the process by which actors in a position of authority affirm the authenticity of the claims made and act upon them. In other words, how do policymakers react to such conflict? Do they deny the existence of the problem or do they recognize it and provide solutions? By contrast to the mechanisms of *deliberate neglect* and *path-dependency* seen in chapters 3 and 4, the mechanism of *defection* activates transformative institutional change in response to rising tension between a public policy and its socio-political context. It does not look to sideline or side-step policy reforms through inaction or superficial changes. Instead, the problem is acknowledged, reform options are carefully studied, legislative and administrative changes are implemented and enforced. These moments of tension, intense discussion and uncertainty as to which approach will prevail form the basis of a *critical juncture*. They are particularly conducive to policy change as claims for reforms are expressed, options are weighed and a decision inevitably follows. When the Commonwealth Government presented its National Agenda for a Multicultural Australia in 1989 without enshrining its multiculturalism policy into law amidst polarizing public debate on race and immigration issues, this opened a critical juncture for the NSW Government to decide on the policy it would pursue within its jurisdiction. Nick Greiner’s Coalition government responded by

amending the *Anti-Discrimination Act* to outlaw racial vilification and restructure its Ethnic Affairs Commission to make combating racism a core objective. A new Commissioner, Stepan Kerkyasharian, was appointed to implement the new strategy and from this moment onwards, the Government of NSW took on a leadership role in multiculturalism and anti-discrimination policy development. When multiculturalism again became the object of widespread criticism following the 1996 Federal election, NSW issued a discussion paper that launched a process of public consultation to reform its EAC. As a result, the principles of multiculturalism became the official policy of the State in 2000 under the Labor government of Bob Carr. The new policy then underwent a comprehensive review and additional amendments. The reforms were finally consolidated in the 2014 *Multicultural NSW Act* by the Liberal government of Barry O'Farrell. The crucial element of *timing* that a critical juncture provides did not escape NSW policymakers. As public debate became more impassioned and the political will for institutional change more manifest, leaders from both the State Liberal and Labor parties seized the opportunity and brought consequential changes to the State's multiculturalism policy.

This chapter has presented how public policy reforms can be achieved through a process of displacement, whereby new *institutional rules* replace old ones. Displacement is most common in settings characterized by low discretion and weak veto possibilities (Mahoney and Thelen 2010: 28). What this means is that the Government has little discretionary power to interpret and enforce institutional rules and therefore has to remove those rules and replace them with new ones to achieve new ends. It also means that defenders of the status quo are not well positioned to counter insurgent efforts aimed at displacement (*ibid.*). For a while, as the NSW Government was introducing minor amendments to the *Ethnic Affairs Commission Act* and restructuring the activities of the EAC, it seemed set on a similar path of layering as South Australia. There too, the

accumulation of piecemeal alterations had generated stable institutions, community expectations and partners with vested interests in the status quo; all factors that militate against the easy replacement of institutions. South Australia also had a series of “reviews”, all done within the confines of the Premier’s department or SAMEAC. By contrast, New South Wales opened the review process to the public for both the *Building on Our Cultural Diversity* and *Cultural Harmony* White Papers in the 1990s and 2000s. This generated much broader support for the reforms and weakened Opposition veto possibilities. The NSW Government then hired an external reviewer, Irene Moss, to assess the policy objectives and functioning of the CRC and principles of multiculturalism that replaced the EAC. This confirmed that the new Commission’s activities were performing well and within their mandate, thereby helping to demystify many inaccurate accounts about multiculturalism circulating in the media. Consequently, the mode of incremental institutional change through displacement in NSW relied on a much more transparent approach by making review plans public, gathering feedback on the proposed changes and carrying out reforms based on recommendations stemming from the consultation process. Given the low discretion of the existing institutional rules, policy displacement was required to meet new objectives. The new institutional rules did not raise the Minister’s discretionary powers. Rather, it added responsibilities and compliance requirements for the ADB and Multicultural NSW especially, but also all other government departments and agencies. Thus, the State succeeded in supplanting its ethnic affairs policy with a multiculturalism policy because it made the process transparent, decentralized, and legally binding. Through public engagement, it gathered broad support for the reforms and compliance for the new policy’s implementation.

Context and institutions provide opportunity for change, but actors need to mobilize ideas to bring forth motive for change. In this sense, policy entrepreneurship is a “context specific

activity”, where skilled advocacy can produce reforms that translate ideas into institutional rules within a specific temporal context (Bakir and Jarvis 2017: 465). The first instance where the idea of multiculturalism became a viable policy option in NSW was in the context of the Participation report 1978. Frustrated by the lack of Federal government programs offering “constructive encouragement for ethnic groups to preserve their own traditional heritage and culture”, the Premier of NSW, Neville Wran, advocated for “better assistance to our newer citizens” and a “new approach to participatory democracy for the ethnic people” (NSW 1976: 3320-1). The resulting Ethnic Affairs Commission was based on this idea of assisting the integration of migrants and the preservation of minority cultures. This signaled a radical break with past policies of exclusion, assimilation and the type of segmented citizenship the freedom riders exposed a decade earlier. By the time Bob Carr was elected Premier of NSW, in 1995, this idea of services for “ethnic groups” had become quite a contentious issue. Carr sought to re-conceptualize the State’s policy towards immigrants and ethnocultural minorities and the ideas embedded within the EAC. His political entrepreneurship initially provoked resistance to the abandonment of the terms “ethnic” and “multicultural”. By accepting the advice of policy entrepreneurs like Stepan Kerkyasharian, Carr eventually secured widespread support for a new Community Relations Commission based on the idea of citizenship. In the spirit of compromise, the new Commission removed references to ethnicity but enshrined the principles of multiculturalism as the official policy of the State. Policy change was again enabled by dissatisfaction towards Commonwealth policies, and ideas on a more active and inclusive form of citizenship for the people of NSW, irrespective of ethnicity or nationality.

After having studied two cases of incremental institutional change in Australia that required constant legislative changes to advance new ideas and objectives, we return to Canada for a case

where rules remained formally the same but where interpreted and enacted in distinct ways. The province of British Columbia presents our final case study as we look to uncover the causal pathway of a process of policy conversion. By contrast to layering and displacement, reformers exploit the inherent ambiguities of the institution to give the policy a new purpose while working within the parameters of the formal rules. Similarly to drift, rule ambiguity is a principal component of policy conversion, except that instead of inaction and neglect, it is guided by the active reinterpretation and redirection of the province's policy of multiculturalism towards new ends.

## Chapter 6

### Policy Conversion in British Columbia

*There is no feeling as comfortable as that of self-righteousness.  
When this is combined with a sense of superiority,  
we reach a height from which it is easy to fall.*  
Nitobe Inazō, Vancouver, British Columbia, 1932.<sup>99</sup>

British Columbia (BC) has in many ways more in common with Australian States than it does with other Canadian provinces. Until the adoption of its modern flag in 1960, the province opted for a British blue ensign, like all State flags in Australia, instead of the British red ensign used for Canada's national flag until 1965 and still used in Ontario and Manitoba. Unlike the three-party competition typical in Canadian politics, party polarization is a defining feature of BC politics<sup>100</sup>, similar to the ideological divide between the Labor and Liberal Party in Australia. In addition, there were two places in the British Empire where aboriginal land title was denied: Australia and British Columbia. Indeed, Canada's embrace of the *terra nullius* doctrine in BC as it joined Confederation in 1871 was a departure from the historical pattern of treaty making in the rest of the country (James 2010: 54). As the map of historical treaties in chapter 2 (section 2.1) shows, only Treaty No. 8 covered part of the northeastern corner of the province. As for the rest of the land, Ottawa acquiesced to the demands of provincial leaders and ignored the presence of the roughly thirty separate Indigenous peoples – each with their own name, language, culture, politics, and territory – to accept the fallacy that BC was “unoccupied” at the time of contact (*ibid.*; Tennant 1996: 47). The location of BC's territory also gives it a distinct feature more akin to Australia's geographical position than the rest of Canada. Forming the country's entire Pacific coastline,

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<sup>99</sup> Shannon, A. (2012). *Finding Japan: Early Canadian Encounters with Asia*. Heritage House Publishing, p. 177.

<sup>100</sup> Polarization began with the creation of the Co-operative Commonwealth Federation (CCF) in 1932 and cemented itself with the arrival of Social Credit in 1952 (Phillips 2010: 109). The NDP and Liberal Party eventually replaced the two parties with little obstruction to the prevailing duality.

proximity to the Asian continent has always shaped commercial and population growth in BC to a far greater extent than any other Canadian province. In fact, of the 23,149 respondents of Japanese origin on the 1941 Census of Canada, 22,096 lived in British Columbia (Canada 1946: 164). As we will see in the next section, the attack on Pearl Harbor on December 7, 1941, profoundly disrupted the lives of Japanese Canadians as their property was seized, many were interned or deported, others displaced throughout Canada to break the bonds of community and force assimilation upon them.

Studying a province with such important similarities to the political structure and colonial history of Australian States helps identify the unique features of Canada's federation and its impact on public policy developments. In comparing similarities, differences emerge. This most-similar systems approach helps probe the causal force of local actors, distinct legal traditions in relation to institutional rules making and the domestic political context. This chapter explores the unique features of British Columbian politics in the context of multiculturalism policy development in the Canadian federation. The last Canadian jurisdiction to enact multiculturalism legislation, BC has nevertheless developed one of the most robust institutional frameworks in Canada for promoting a *multicultural identity*, fostering *social justice* and enabling *civic participation*. As we will see, the province's singular historical relationship towards Indigenous peoples and citizens of Asian heritage has been central to incremental changes brought to BC's multiculturalism policy. As BC tries to redress historical wrongs and build more equitable public institutions, transformations to the immigrant settlement programs along with modern treaty negotiations have redirected priorities in directions initially excluded from the province's multiculturalism policy. Regarding the question of *how* British Columbia's multiculturalism policy has changed since its adoption in 1993, we argue that successive program transformations occurred through a process of policy

conversion. This happens when institutional rules remain formally the same but are interpreted and applied in new ways (Béland and Powell 2016: 138). The activation of a mechanism of *redirection* thereby prompts the redeployment of existing institutions to new purposes, driving changes in the roles and functions they perform (Streek and Thelen 2005: 31). For that matter, we conceptualize the process of policy conversion according to the following five stages:

**Table 6.1 Process of Policy Conversion**

|                  |                                                                                                  |
|------------------|--------------------------------------------------------------------------------------------------|
| 1) Opening       | ▪ A critical juncture appears amidst tension between the policy and its socio-political context. |
| 2) Contention    | ▪ Actors present reforms to resolve the tension between the policy and its context.              |
| 3) Redirection   | ▪ High discretion enables change agents to redirect the policy towards new ends.                 |
| 4) Consolidation | ▪ Additional changes consolidate the program transformation.                                     |
| 5) Conversion    | ▪ Institutional rules remain the same but serve new ends.                                        |

Reinterpreting old rules in new ways, therefore, requires three things. First, a shifting socio-political context within a *critical juncture* that requires adaptation to seize new opportunities and respond to emerging issues. Second, ambiguous *institutional rules* allowing high discretion to actors working within institutional parameters to pursue multiple ends. Third, the presence of a *policy entrepreneur* who reinterprets institutional rules and a *political entrepreneur* who redirects the policy towards new ends. The following sections will uncover the critical moments in the socio-political context that opened opportunities for reform, the actors that deployed new ideas to reinterpret and redirect multiculturalism policy output, while keeping institutional rules formally intact. The malleability of such institutions amidst profound contextual changes makes the policy suitable for incremental adaptation rather than being replaced through displacement or abandoned altogether by drift.



### 6.1. Opening of a Critical Juncture

British Columbia's relatively late entry to Confederation in 1871 was a singularly important moment to Canada's nation building effort. Its wild mountainous landscape and abundance of natural resources had long attracted plenty adventure seekers taking up work in the gold, timber and fishing industries. The male dominated pattern of these early settlers produced a chronic gender imbalance in the isolated British colony. The solution came in the form of large-scale immigration transported on the newly completed railway after the conclusion of Aboriginal treaties in the Prairies (see chapter 2, section 2.1). Now that the Dominion could extend its territorial reach from the Atlantic to the Pacific coast, warding off fears of American expansion after the US purchase of Alaska in 1867 made establishing a more permanent presence in the "last best West" (Canada 1921: xxvii) a vital component of Canada's nation building dream. The impact was immediate and considerable with British Columbia's population increasing from 36,247 in 1871 to 524,482 in 1921 (*ibid.*: 4).

The rapid colonization of the West by foreign settlers had a disastrous impact on local Indigenous populations. The introduction of firearms and infectious disease, along with growing encroachment on traditional lands decimated a once vibrant Aboriginal population (Belshaw 2009: 25). From an estimated population of 200 to 300 thousand in the mid-eighteenth century only 26 thousand remained by the time British Columbia entered Confederation. Despite forming the majority of the population in BC at the time, Aboriginal population decline was so severe that the imagined disappearance of Indigenous communities in the nineteenth century removed any sense of urgency to sign treaties with First Nations (*ibid.*: 20). This belief of inevitable perish was reinforced by a growing sentiment of moral superiority held by prominent non-Indigenous politicians such as Joseph Trutch, the Commissioner of Lands and Works when the colonies of

Vancouver Island and the mainland united to form British Columbia in 1866. Unlike his predecessor James Douglas, who had made land purchase treaties and regarded Aboriginal people as morally equal to whites and entitled to equal political treatment, Trutch viewed Aboriginals as “primitive nomads inferior to civilized Europeans” (Tennant 1996: 48). He therefore systematically restricted Indigenous access to land and in 1870 denied the existence of any Aboriginal title, thereby establishing the *terra nullius* doctrine that would prevail for the next 120 years (*ibid.*: 48-9). Trutch then led the campaign for British Columbia’s entry into Confederation, along with the colony’s Premier, William Smithe. As BC was becoming a province of Canada, Smithe rejected the demands of north coast chiefs for larger reserves, treaties, and self-government under British law. His stance on this issue of Aboriginal self-government was guided by the same ideas of racial superiority as his colleague Trutch. In fact, Smithe declared that at first contact with the White settlers, Aboriginal peoples “were little better than the wild beasts of the field” (British Columbia 1887: 264; cited in Tennant 1996: 50). Under section 91(24) of the *Constitution Act* of 1867, laws pertaining to “Indians, and Lands reserved for Indians” fell under the exclusive Legislative Authority of the Parliament of Canada. By entering the Canadian Federation in 1871, the province therefore relinquished all constitutional obligation to provide rights or services to Aboriginal peoples, yet retained jurisdictional control over Crown land (Tennant 1996: 49). A year later, in 1872, the BC legislature disenfranchised Aboriginal persons (*ibid.*: 50). Entering a 20<sup>th</sup> century marked by unprecedented demographic change and major conflict abroad, the disinterest of London, Victoria and Ottawa towards the plight of BC’s Indigenous communities only grew with the hardening of racially prejudiced attitudes in the province as elsewhere in Canada. In 1927, the Mackenzie King Liberal Government decided to put an end to rising demands for treaties in

BC by amending the *Indian Act* to prohibit Aboriginal land claims without the prior government consent (*ibid.*: 51).

The quote in epigraph is meant to capture this feeling of self-righteousness among BC's political elite, which Japanese academic Nitobe Inazō observed with despair while visiting the University of British Columbia in 1932. This feeling of self-righteousness formed part of the ideas that served to justify discriminatory policies, particularly towards Western Canada's Asian population. Indeed, between 1884 and 1904, the BC legislature passed no fewer than 22 laws seeking either to ban Asian immigration or severely curtail Asian arrivals, or prevent Asian residents already present from engaging in various fields of employment and enterprise (James 2010: 55). Many of these laws were invalidated by the Parliament of Canada through its constitutional powers of reservation and disallowance (*ibid.*: 55).<sup>101</sup> Not to be outdone, however, Canada's Parliament enacted the *Chinese Immigration Act* on July 20, 1885, which implemented a head tax and finally banned Chinese immigration altogether from 1923 to 1947 (see chapter 2, section 2.1). When the ban was issued, 59% of Canadian residents who identified as Chinese in the 1921 Canada census lived in British Columbia (Canada 1921: 356-7). The other administrative tool used to restrict Asian immigration discussed in section 2.1 of chapter 2 was the "continuous passage clause". Approximately 5,000 South Asian immigrants landed in BC between 1904 and 1907, most of whom were Sikhs from the Punjab region of India (Wallace 2013: 34). Following anti-Asian riots in Vancouver, Prime Minister Wilfred Laurier introduced two Orders-in-Council in January 1908 to exclude South Asians. The first (P.C. 920) prohibited entry into Canada to all those who had not arrived by continuous journey from their country of birth or citizenship. The

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<sup>101</sup> The province did, however, successfully challenge the Federal government's attempt to disallow BC's policy of disenfranchisement of Japanese Canadians (1895-1949), which was upheld by the court in the 1903 *Tomey Homma* case (James 2010: 57).

second (P.C. 926) required that Asian arrivals possess at least two hundred dollars upon entry to Canada (*ibid.*), equivalent to about \$4,600 in 2019. The most high-profile incident involving the application of the two immigration controls came on May 23, 1914 when the *Komagata Maru* vessel anchored off the coast of Vancouver, and most of its 376 South Asian passengers were denied entry (*ibid.*: 46).

State repression directed at Canadians of Asian heritage reached its climax in the context of the Second World War and British Columbians were the most affected. Japan's shocking attack on Pearl Harbour on December 7, 1941 provoked a swift and similarly disproportionate response from the Canadian government. Later that day, by Order-in-Council, the *Defense of Canada Regulations (Consolidation)* was amended to require the registration of persons of Japanese nationality with the RCMP (Hudon 1977: 70). A second Order-in-Council followed-suit a week later extending the registration requirement to all persons of Japanese race sixteen years or older residing in Canada (*ibid.*), almost all of whom lived in BC. The plan behind the registration orders suddenly became frighteningly real for the 22,000 Canadians of Japanese ancestry as another Order-in-Council issued on January 13, 1942, revoked their fishing licenses and right to operate a fishing vessel off the coast of BC (*ibid.*: 71), knowing full well that the vast majority of the men in the community were fishermen. On January 31, 1942 another Order-in-Council authorized the seizure and sale of their fishing vessels, worth an estimated 2 to 3 million dollars (*ibid.*). The revenues raised from the auctioned off vessels helped finance the establishment of work camps for "enemy aliens" removed from British Columbia (*ibid.*: 71). Finally, Order-in-Council P.C. 1665 created the British Columbia Security Commission tasked with the planning, supervision and direct evacuation of British Columbians of Japanese ancestry living within a 100-mile radius from the Pacific Coast (*ibid.*: 73-4). Whatever property they could not carry along with them (including

their house or land) was subject to the control of the Custodian as 20,000 British Columbians of Japanese ancestry (74% of whom were Canadians by birth or naturalization) were forcefully relocated further east into the BC interior, the Prairies and Ontario (Canada 2018a).

This short historical overview of the initial relationship between federal and provincial authorities towards British Columbians of Indigenous and Asian heritage is necessary to understand the development of multiculturalism policy in BC. For the formation and adaptation of BC's policy has been shaped by ongoing struggles for recognition and redress of past injustices by Asian and Indigenous British Columbians. It took many years for most Japanese Canadians to speak about the shame and trauma caused by the relocation, but in the early 1980s a small grassroots movement for redress began to organize. Their efforts were soon vindicated, indeed galvanized, with the publication of Joy Kogawa's celebrated novel *Obasan* in 1981 (Canada 2018b). Through the characters of the book and with brilliant prose, Kogawa brought a new awareness of the humiliating despair and injustice to which Japanese Canadians, including five-year-old Kogawa and her family, were subjected to during the War. Released a year before the proclamation of the Canadian *Charter of Rights and Freedoms*, the story's quest for real equality reverberates with passages like:

"I hate to admit it," she said, "but Canada's capacity for racism seems even worse."

"Worse?"

"The American Japanese were interned as we were in Canada, and sent off to concentration camps, but their property wasn't liquidated as ours was. And look how quickly the communities re-established themselves in Los Angeles and San Francisco. We weren't allowed to return to the West Coast like that. We've never recovered from the dispersal policy. But of course, that was the government's whole idea – to make sure we'd never be visible again. Official racism was blatant in Canada. The Americans have a Bill of Rights, right? We don't." (Kogawa 1981: 33-4)

Between 1984 and 1988, the National Association of Japanese Canadians (NAJC) investigated the records of the Office of the Custodian of Enemy Property held in the National Archives to evaluate the value of the property seized. With their damning findings in hand, NAJC members lobbied the Government of Canada for recognition of the injustices committed and compensation to the victims (Canada 2018b). On September 22, 1988, Prime Minister Brian Mulroney formally acknowledged the wartime human rights violations suffered by British Columbia's Japanese community and offered a formal apology in the House of Commons. Overcome by emotion, NDP leader Ed Broadbent struggled to read a passage from *Obasan* in the House to honour his first wife's family who had been dispersed during the War (CBC 1988). The official apology included an agreement with the NAJC for individual redress payments of \$21,000 for each living Japanese Canadian expelled from the coast in 1942 or born before 1949 (Canada 2018b). In addition, the Federal government agreed to establish a Canadian Race Relations Foundation<sup>102</sup> as part of the settlement in commemoration of the wartime injustices suffered by Japanese Canadians (*ibid.*).

As the redress campaign was gaining momentum, pressure for multiculturalism legislation was also mounting following the release of the *Equality Now!* report, as seen in chapter 2 (section 2.3). In fact, Canada's apology came just two months after the *Canadian Multiculturalism Act* received royal assent. However, in the years leading up to the CMA, British Columbia's Social Credit government lead by Premier Bill Bennett – the son of former long-serving Social Credit leader and BC Premier W.A.C. Bennett – appeared much less favourable to multiculturalism policy than its Federal counterpart. In a November 1979 memorandum from the Government of

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<sup>102</sup> It took nearly a decade for the Government to finally establish the Canadian Race Relations Foundation through legislation in 1996 (Canada 1999: 3). The Foundation received a one-time endowment of \$24 million from the federal government for its initial set-up, half of which was given on behalf of the Canadians of Japanese heritage to commemorate their discriminatory treatment during the Second World War (*ibid.*: 35).

Canada's Director of the Multiculturalism Directorate, Orest Kruhlak asserts that "British Columbia is the last of the more economically developed provinces to show any real interest in Multiculturalism Policy or Program" (Canada 1979: 28). The only exception was a conference entitled "Toward a Provincial Multiculturalism Policy" put on by the Affiliation of Multicultural Societies of British Columbia in the Spring of 1979 on Premier Bennet's request. Yet months later the BC government had not provided an "official response [...] to the resolutions and recommendations" nor "a complete response, embodying government policy" (*ibid.*). The Social Credit government of Bennet's successor, Bill Vander Zalm, was similarly reluctant during the regional consultations of the Parliamentary Standing Committee on Multiculturalism in 1986. The BC government offered some characteristically populist responses to the recommendations, arguing for example that "some cultural characteristics have to be modified when groups establish themselves in Canada" (Canadian Multiculturalism Council 1987: 3). BC representatives also insisted that members appointed by community organizations to the proposed Canadian Multiculturalism Advisory Council must not "represent their own ethnic groups but act on behalf of all Canadians" (*ibid.*: 17). Notwithstanding these remarks, Vander Zalm's government "strongly supported" the establishment of the *Canadian Multiculturalism Act* (*ibid.*: 26).

Thus, it was in the context of ambivalence towards multiculturalism policy that a critical juncture opened for the province of British Columbia. The central government had taken full responsibility for the repression endured by Japanese Canadians during the Second World War. But how long would it be before the provincial government took ownership for its own role in pushing racialized British Columbians to society's margins? Would similar redress measures gather more support in BC now that the activism of Japanese Canadians had resulted in the creation of a Canadian Race Relations Foundation? The next section will examine the definitive shift of

the BC government's commitment to multiculturalism policy following the demise of the Social Credit party in the 1991 election.

### *6.2. Contention Over Policy Outputs*

British Columbia's heavy reliance on primary commodity exports (timber in particular) had made it the most prosperous and vulnerable provincial economy in Canada in the 1980s (Barman 2007: 349). The growing economic prosperity brought increasing demands on the labour market to provide the needed workforce. Thus, between the 1986 and 1991 census, British Columbia was the fastest growing province with its population increasing by 13.8% (Canada 1994: 4). Additionally, during that same period, the city of Surrey, a southeastern suburb of Vancouver located just north of the Canada-US border, was the fastest growing municipality in Canada at a rate of 35.1% (*ibid.*: 8). Immigration was a major factor in British Columbia's population growth, especially in Metro Vancouver. By 1991, almost 25% of British Columbia's population was born overseas, and 66% of the immigrant population resided in Vancouver (*ibid.*: 37). The significant population change in such a brief period of time also had a profound impact on the demographic profile of the province. Despite being called *British* Columbia, 38% of BC's population reported having origins other than British or French in 1991 as opposed to the 35% who were of British ancestry (*ibid.*: 55). Moreover, geographic proximity to the Pacific Rim was evident as one in nine British Columbians were of Asian ancestry, representing a 3% surge in just five years (*ibid.*). At that point, the second most commonly reported ethnic origin in BC was Chinese, while East Indian was fourth (*ibid.*: 58).

The year 1986 also marked the beginning of a transformation in BC's economy and self-image as Vancouver hosted the World's Fair. Expo 86 opened the city and province to the world,



forever changing its image from a wild and rugged landscape with a rather quiet and predominantly British society, to a major tourist destination with a vibrant multicultural society and dynamic marketplace to invest in venture capital. Following Expo '86, the Vander Zalm (SC) government tried to satisfy the demands of the province's expanding corporate sector through a string of privatizations and regulations to curtail labour rights (Barman 2007: 352). While satisfying some members of the business community, his government was nevertheless growing out of touch with an increasingly diverse population and demands for employment equity. The government's pro-capital measures coupled with the Premier's socially conservative beliefs created resentment among many British Columbians, enough for the Solidarity coalition to form in the 1980s and mobilize opposition to the Socreds (*ibid.*: 350-1). The NDP victory in all six bi-elections in 1988-89 was a clear sign that the electorate was turning on the government. Vander Zalm resigned in April 1991 and was replaced by the first female Premier in Canadian history, Rita Johnston. The November 1991 provincial election marked, however, the collapse of a Social Credit party that had held power in the BC Legislature for 36 of the past 39 years. The NDP led by Mike Harcourt won the election and a 51-seat majority. Social Credit's demise, reduced from 47 to a petty 7 seats, thrust the BC Liberal party into the role of the Official Opposition and marked its emergence as the new dominant centre-right party in provincial politics.

Before the Socreds' humiliating defeat and as the CMA was nearing its proclamation in Canada's Parliament, the NDP's Emery Barnes questioned the Minister of Tourism, Recreation and Culture, William Reid (SC), on the government's policy and strategy with respect to multiculturalism. Reid's response offered a surprisingly frank admission of failure, acknowledging the "governments of the last few years in British Columbia have not provided incremental funding towards the multicultural component out there that is necessary in order to show support for the

multicultural community” (British Columbia 1988: 4323). By the time the NDP Harcourt government was sworn in, however, the good economic fortunes of the province had turned. The Canadian economy was now in a recession and unemployment at its highest point in decades. In this context, the Assistant Deputy Minister of Multiculturalism and Citizenship Canada, Kristina Liljefors, sent a memorandum to Regional Directors on October 23, 1991, containing draft Strategic Directions for Multiculturalism which warned of the “emergence of sentiments against ‘funding for multiculturalism’ in many political parties” and “more open manifestation of racism and growth of racial incidences across the country and denial of problem” (Liljefors 1991). Amidst the constitutional debate of the 1992 Charlottetown Accord where ethnocultural organizations had sought a voice in the deliberations, this tense period of national introspection had provoked fears of Canadian values being “under fire” (*ibid.*). A few months later, another memorandum from Liljefors contained discouraging input on the matter from the Kelowna BC Office that stated, “we seem to be losing the battle in the realm of the general public” (Findlater 1993: 2). The January 25, 1993, memo expressed concern over the “mischievous activities by racist individuals and groups gaining credibility” leading to “an upsurge in general racist attitudes and ‘bashing’ of visible minorities, first nation and immigrant/refugee people” (*ibid.*). Among the incidences affecting communities in the BC interior, the memo reported on the creation of a white supremacist group called the Council of Public Affairs in the Okanagan town of Salmon Arm; alleged physical abuse of Aboriginals in police custody at Williams Lake prompting charges of racism in the justice system; and increased racism felt by members of the East Indian community in Prince George following a “racially charged sexual assault trial” (*ibid.*: 4-5). Despite the rising racial tensions, the province continued to attract growing levels of immigration, up 15,5% in the first six months

of 1992 in comparison to the same period the previous year and all signs projecting the upward trend would continue unabated (Kruhlak 1993: 1).

In this context of challenging socio-economic times, a February 1993 memo from Multiculturalism and Citizenship Canada's Regional Director of the Pacific and Yukon Region, Orest Kruhlak, indicated that the NDP government in BC was "much more supportive of multiculturalism objectives than their predecessors (*sic*)," and that the provincial government was becoming "a key partner" to the Federal government in this area of public policy (*ibid.*). As a matter of fact, a month later, Premier Harcourt's Speech from the Throne announced upcoming legislative changes to multiculturalism and human rights (British Columbia 1993: 4706). Following the announcement, the 1993 budget provided for a \$6 million envelope to the multicultural and immigration programs, a 26% increase from the previous budget (British Columbia 1993: 5233). The Minister responsible for Multiculturalism and Human Rights, Anita Hagen (NDP), clarified the distinction between the two. According to Minister Hagen, "the multicultural programs are designed to promote cross-cultural understanding and positive race relations to work to eliminate discrimination and resolve culturally-based conflicts," in addition to assisting institutional change throughout the public sector to better serve "the needs of the province's diverse cultural makeup" (*ibid.*: 5233-4). Meanwhile, immigration policy had a much more instrumental outlook, focusing on "settlement services for new residents and efforts to attract immigrant and foreign investment to British Columbia", as well as "continued negotiation of immigration agreements with the federal government, which will clarify the roles of federal and provincial governments" (*ibid.*: 5234). Thus, at the moment when the BC government was preparing multiculturalism legislation and negotiating a federal-provincial agreement on

immigration, there remained a great deal of ambiguity as to how the two programs would work together, if at all.

In the summer of 1993, the Harcourt NDP government presented two bills in an attempt to bolster the province's commitment to multiculturalism and civil rights. The first, Bill 33, appeared before the Legislature in June and proposed amending the BC *Human Rights Act* to outlaw hate speech and provide civil remedies for victims of hate propaganda and hate activity (British Columbia 1993: 7058). In presenting the Bill, Minister Hagen made reference to the controversial *Canada v. Taylor* decision that divided the Supreme Court bench in 1990. The case involved John Ross Taylor and the Western Guard Party who had been accused of breaching the *Canadian Human Rights Act's* section 13(1) prohibiting the dissemination of hate propaganda.<sup>103</sup> In delivering the judgment on behalf of the four to three majority, Chief Justice Brian Dickson asserted that,

Messages of hate propaganda undermine the dignity and self-worth of target group members and, more generally, contribute to disharmonious relations among various racial, cultural and religious groups, as a result eroding the tolerance and open-mindedness that must flourish in a multicultural society which is committed to the idea of equality. (*Canada v. Taylor* [1990] art. 41)

Justice Dickson and his colleagues believed the objective of preventing the harms caused by hate propaganda were sufficiently "pressing and substantial in importance to warrant some limitation

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<sup>103</sup> John Ross Taylor was the leader of the nationalist and white supremacist Western Guard Party based out of Toronto, Ontario. The Human Rights Tribunal received several complaints regarding the activities of Taylor and his party, who transmitted anti-Semitic conspiracy theories through a pre-recorded telephone message. Taylor was sentenced to three months imprisonment (*Canada v. Taylor* [1990] art. 188). Chief Justice Brian Dickson wrote the lengthy judgement supported by Justices Bertha Wilson, Claire L'Heureux-Dubé and Charles Gonthier. Justice Beverley McLachlin delivered the partial dissent shared by Gérald La Forest and John Sopinka.

upon the freedom of expression” (*ibid.*: art. 42). Minister Hagen insisted the “Supreme Court of Canada made it very clear the courts and human rights tribunals must balance freedom of expression with the rights of individuals not to be discriminated against” (British Columbia 1993: 7058). In other words, the constitutional right to equality may warrant some limitations on the fundamental freedom of expression in order to ward off the spreading of hatred or contempt. For that precise reason, the Official Opposition opposed Bill 33, as the Liberal’s Val Anderson argued, “it seeks to control much more than hate literature and jeopardizes the freedom of expression” (*ibid.*: 7060). His colleague Allan Warnke (Lib.) furthermore argued that litigation is not the most appropriate way to prevent hate speech, because it gives a platform and form of martyrdom to the accused, citing the *Zundel* decision as an example (*ibid.*: 7072-3). Following Chief Justice Dickson’s retirement, and just two years after the *Taylor* decision, the equally controversial *R. v. Zundel* case<sup>104</sup> once again split the Supreme Court of Canada on a *Charter* challenge involving limitations to free speech. This time, however, the charges laid rested on the “false news” provision found in section 181 of the *Criminal Code*. The judgment delivered by Justice Beverley McLachlin came to the opposite conclusion from the *Taylor* decision, finding that section 181 “infringes the right of free expression guaranteed by s. 2(b) of the *Charter* and that the infringement is not saved by s. 1” as a reasonable limit prescribed by law that can be demonstrably justified in a free and democratic society (*R. v. Zundel* [1992] par. 72). Justice McLachlin asserted that the “promotion of equality and multiculturalism is a laudable goal, but, with respect, I can see no basis in the history or language of s. 181 to suggest that it is the motivating goal behind its enactment or

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<sup>104</sup> Holocaust denier Ernst Zundel was acquitted on appeal of “wilfully publishing a statement, tale or news that the publisher knows is false and that causes or is likely to cause injury or mischief to any public interest” (*Criminal Code* [1985] s. 181). The charge arose out of the publication by Zundel of a 32-page booklet entitled *Did Six Million Really Die?* The booklet construed the Holocaust into a myth perpetrated by a worldwide Jewish conspiracy (*R. v. Zundel* [1992] par. 3). This time, Justice L’Heureux-Dubé joined McLachlin, La Forest and Sopinka in a majority decision that effectively rendered void the *Criminal Code*’s “false news” provision.

retention” (*ibid.*: par. 60). In their dissenting opinion, Justices Peter Cory and Frank Iacobucci (with Justice Gonthier concurring) insisted for their part that the “evil is apparent in the deceptive nature of publications caught by s. 181” and that “such lies makes (*sic*) the concept of multiculturalism in a true democracy impossible to attain” (*ibid.*: par. 160). In sum, the NDP government and Liberal Opposition presented conflicting arguments by drawing from recent jurisprudence that revealed an equally divided Supreme Court on the matter of restricting free speech in the name of equality and multiculturalism. On the one hand, you have those who support Chief Justice Dickson’s idea of social justice in which the harm flowing from hate propaganda grossly undermines the constitutional values of equality and multiculturalism. By violating these “linchpin *Charter* principles” Dickson argues, the importance of taking steps to limit its pernicious effects becomes manifest” (*Canada v. Taylor* [1990] par. 45). On the other hand, you had those who supported future Chief Justice McLachlin’s idea of social justice in which uninhibited freedom is a greater guarantee of equality, precisely because “the guarantee of freedom of expression serves to protect the right of the minority to express its view, however unpopular it may be” (*R. Zundel* [1992] par. 22). For the view of the majority, McLachlin argues, “has no need of constitutional protection; it is tolerated in any event” (*ibid.*). The main takeaway from the debates over Bill 33 along with the *Taylor* and *Zundel* affairs is that, evidently, the adversarial and reactive nature of prosecutions can potentially sow more division than harmony. Thus, any serious attempt at combatting the pernicious effects of racial prejudice also needs proactive measures that foster acceptance of difference, instead of intervening in social relations only once the harm is committed.

The second bill from Minister Hagen appeared before the Legislature a month later, in July of 1993, and would attempt to do just that. By contrast, Bill 39, the *Multiculturalism Act*, was

given a much more favourable reception from the opposition. In presenting the Bill, Hagen deliberately tried to dispel some of the myths clouding the concept of multiculturalism. The Minister insisted, “multiculturalism stands for equal treatment, not special treatment”, adding that it “promotes good citizenship and aims to provide all citizens with a sense of Canadian identity” (British Columbia 1993: 8492). Unlike the legislative statutes adopted in other Canadian provinces before it, BC’s *Multiculturalism Act* clearly states it is the policy of the government to build a society “free from all forms of racism” (British Columbia 1993: s.3(f)). Indeed, the objective of combatting racism is a prominent feature of the multiculturalism policy enshrined in the legislation, appearing in articles 3(a)(b)(e)(f) and (g). The Bill also formally enshrined the Multicultural Advisory Council and its role. If adopted, both the Minister and Council would be required to prepare an annual report on the administration and implementation of the Act and activities of the Council (*ibid.*: s.6(1) and 7(2)(a)(b)). Failure to comply with the requirement to submit financial statements and report on initiatives undertaken would represent a breach of both the *Multiculturalism Act* and *Financial Administration Act*. Overall, the opposition was supportive of the Bill’s multiculturalism policy and compliance standards. Concerns were raised, however, regarding the Minister’s discretionary power over the selection of Council members (British Columbia 1993: 8495) and awarding of grants to community organizations (*ibid.*: 8499).

For all the BC *Multiculturalism Act*’s strong focus on *social justice*, unlike the CMA, there is no mention of the constitutional rights of Aboriginal peoples<sup>105</sup>, or specific provisions to enable

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<sup>105</sup> The preamble of the *Canadian Multiculturalism Act* reaffirms the Constitution’s recognition of the rights of Aboriginal peoples and section 2(d) confirms that the term “federal institutions” includes “any Indian band, band council or other body established to perform a governmental function in relation to an Indian band or other group or aboriginal people”. However, Aboriginal peoples in Canada prefer to distance themselves from the State’s policy of multiculturalism finding it overlooks the history of colonial dispossession and subjugation of Indigenous peoples and issues of inequality of power and resources (Srikanth 2012: 19). More importantly, Aboriginal rights are quite distinct from the civil rights of ethnocultural minorities. Aboriginal rights are meant to protect collective rights to self-determination that existed prior to European contact. Therefore, they are guaranteed by virtue of their ancestral

the *civic participation* of immigrants. The only exception would be the rather ambiguous clause to “generally, carry on government services and programs in a manner that is sensitive and responsive to the multicultural reality of British Columbia” (British Columbia 1993: 3(h)). Article 3(h) of BC’s multiculturalism policy could be interpreted to mean a variety of things, including perhaps public service provision tailored to the integration needs of immigrants and revitalisation of Aboriginal languages and cultures. Social Credit MLA, Cliff Serwa, asked the Minister of Labour and Minister responsible for Constitutional Affairs, Moe Sihota (NDP), how the *Multiculturalism Act* would apply to self-governed native band councils.<sup>106</sup> Minister Sihota flatly responded that responsibility towards Aboriginal peoples falls within federal jurisdiction. As such, matters relating to Aboriginal policy were “beyond the parameters of multicultural policy” (British Columbia 1993: 8795). Yet a February 1993 memorandum from the Regional Director for the Pacific Region, Orest M. Kruhlak, to the federal government’s ADM for Multiculturalism explicitly stressed that “significant racial issues and tensions in B.C. and Yukon communities relate to aboriginal/non-aboriginal relations” (Canada 1993: 3). In this context, meeting the Act’s stated purpose of promoting “racial harmony, cross cultural understanding and respect” (British Columbia 1993: s.2(c)) would require careful consideration of how multiculturalism policy can look to de-escalate tensions and racial prejudice that afflict relations between Aboriginal and non-Aboriginal British Columbians.

The *Multiculturalism Act* was assented to on September 9, 1993, without amendments. Given that section 7(1) of the Act requires “every ministry and every government corporation

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occupation of the land, not individual rights granted because of difference, need or disadvantage (MacDonald 2014: 79).

<sup>106</sup> The SoCred MLA’s intervention was essentially directed at the self-government powers of native band councils. Serwa believed this created “two different classes of British Columbians”, which he alleged was “in direct contravention of the spirit of the act that we’re bringing forward” (British Columbia 1993: 8795).



within the meaning of the *Financial Administration Act*” to submit an annual report on initiatives undertaken to promote the multiculturalism policies referred to in section 3, the government immediately established an Interministerial Committee on Multiculturalism and a Crown Corporation Committee on Multiculturalism (Multiculturalism BC 1994: 37). Consequently, even though the Act does not contain specific provisions concerning issues that disproportionately affect immigrant and Indigenous British Columbians, ministries and crown corporations who provide services to these constituents are legally obligated to conduct their activities in a manner that fosters cross cultural understanding, equal participation and combats racism. Moreover, as the Government of BC’s multiculturalism policy became law, negotiations between the province and federal government over the devolution of immigrant settlement powers were intensifying, in addition to modern treaty negotiations between the two orders of government and BC First Nations. The following section will examine how these parallel negotiation processes changed the BC government’s multiculturalism policies and why the province was able to redirect institutions to new policy objectives.

### *6.3. Redirecting the Multiculturalism Policy Towards New Ends*

Multiculturalism BC quickly faced its first bit of adversity upon settling into its new West George Street office in November 1993. An incident involving four Sikh veterans on November 11<sup>th</sup> at a Canadian Legion branch in Surrey made national headlines. In a goodwill attempt to include members of Surrey’s growing immigrant population, Newton Branch 175 had extended a formal invitation to all armed forces veterans who served in the former British Empire to take part in Remembrance Day ceremonies (Globe and Mail 1993: A8). Four men of Sikh faith who served in India during the Second World War joined the cenotaph ceremonies but were denied entry to the

Newton Legion Branch afterwards because of its policy banning headgear on the organization's property (*ibid.*). The national headquarters of the Royal Canadian Legion issued a formal apology to the men the next day and condemned the actions of the local Legion officials who turned them away calling it "extremely poor judgement and bad manners" (Wilson 1993: A6). But when the Newton Legion president, Frank Underwood, refused to change the branch's policy,<sup>107</sup> Globe and Mail columnist Michael Valpy warned the government's failure to address the concerns expressed by Underwood and others could turn "multiculturalism into a creed of state political correctness" (Valpy 1994: A2). Multiculturalism BC responded by bringing together members of the Canadian Legion, Sikh veterans and members of the local Surrey community in a forum to facilitate dialogue (Multiculturalism BC 1995: 2). The group went on to form a steering committee and met regularly to overcome their differences and come to a mutual understanding (*ibid.*). As the two sides were beginning to find common ground away from the public eye, a trial brought before Federal Court in January 1994 would again divide public opinion on the issue of religious accommodation by challenging the constitutionality of authorizing the wearing of religious symbols as part of official state uniforms. In *Grant v. Canada (Attorney General)*, a group of RCMP veterans sought a court order to prohibit the wearing of religious symbols as part of the RCMP uniform. This was a direct challenge to the RCMP Regulations section 64(2) amended in March 1990 to allow dress code exemptions on the basis of the member's religious beliefs (*Grant v. Canada* [1990] par. 52). The plaintiffs' claim was dismissed in the July 1994 ruling when Judge Reed concluded that,

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<sup>107</sup> The executive committee of the Legion's command issued a national policy on November 28, 1993, to allow the wearing of religious headdress inside all Royal Canadian Legion branches, much to the dismay of Newton branch president Underwood (Toronto Star 1993: A14). Pending the policy's approval at the Dominion convention in the spring of 1994, failure to comply with the bylaw afterwards would result in a revocation of the branches charter (Valpy 1994: A2).

The Commissioner based his decision to allow the turban to be worn as part of RCMP uniform on his understanding that not to allow such would discriminate against Sikhs and, in any event, the wearing of the turban would operate as a demonstration and an acceptance of the present day multicultural nature of Canada. These are laudable objectives. The only question for the Court however is whether there is a constitutional barrier to the Commissioner acting as he has done [...] I cannot find such a barrier. (*Grant v. Canada* [1990] par. 116)

The *Grant* ruling temporarily lay to rest the matter of dress code exemptions for religious symbols worn by representatives of the State. It did not, however, resolve fears of cultural loss and political correctness. As Judge Reed noted, the force played a key historical role in the Western region that it did not play elsewhere through its incarnation as the North-West Mounted Police (*ibid.*: par. 47). Thus, many Western Canadians have a strong emotional bond to the RCMP uniform for whom it represents an important national symbol, as evidenced by the petition of over 210,000 signatures and thousands of dollars in donations collected to finance the court challenge (Feshuck 1994: A4). Evidently, the adversarial nature of litigation and spirited media coverage that accompanies such contentious issues proved ineffective in establishing dialogue between the two sides.

Interestingly, this was the exact conclusion the British Columbia Court of Appeal came to in the landmark *Delgamuukw* ruling a year earlier, in June 1993.<sup>108</sup> In short, the decision established that Aboriginal rights should be negotiated not litigated (Barman 2007: 374). In delivering the majority decision, Justice Macfarlane saw that two competing ideas emerged during the proceedings. On the one hand is an “all or nothing approach”, whereby either the Aboriginal

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<sup>108</sup> The appeal concerned a claim on behalf of Aboriginal peoples to the ownership and control over a large area of land (58,000 square kilometers) and resources in central BC (*Delgamuukw v. British Columbia* [1993] par. 1-3). The Province plead that the plaintiffs’ rights were extinguished by the operation of 13 Colonial instruments enacted prior to the entry of BC into Confederation (*ibid.*: par. 5).

nations were first established and have ownership and control of all the land or the “blanket extinguishment” of those rights is upheld. On the other hand, Aboriginal interest co-exist with other interests as “consultation and reconciliation is the process by which the Indian culture can be preserved and by which other Canadians may be assured that their interests, developed over 125 years of nationhood, can be respected” (*Delgamuukw v. British Columbia* [1993] par. 329). The Aboriginal plaintiffs had manifestly taken the first step in recognizing the importance of other vested interests by not claiming lands held by others (*ibid.*). As such, Justice Macfarlane concluded that taking the second approach begins with finding that “the Gitksan and Wet’suwet’en people have aboriginal rights in a large area of land” and that “self-regulation and new economic opportunities for Indian communities may be secured in many ways yet to be negotiated” (*ibid.*: par. 331). The significance of the *Delgamuukw* decision cannot be overstated. It meant that consultation and negotiation about “the nature of aboriginal rights and the form they should take into the 21<sup>st</sup> century” (*Delgamuukw v. British Columbia* [1993] par. 332) would hereby become a central concern of state-society relations, particularly in the field of intergovernmental relations between First Nations and the Governments of Canada and British Columbia who could no longer follow the *terra nullius* doctrine. The NDP Harcourt government subsequently established the BC Treaty Commission and opened negotiations with the federal government over a formula for cost-sharing arrangements for land claims (Barman 2007: 374-5). While not directly related to multiculturalism, the process of reconciliation prompted by the decision would have a profound impact on BC politics over the next decades. How this came to shape the province’s multiculturalism policy will be discussed later on in this chapter.

For at this *critical juncture* of early institutional formation, policy fields with some shared objectives (i.e. immigrant integration, Aboriginal reconciliation, anti-racism) are kept largely

separate. In fact, in its 1996 annual report, the Advisory Council on Multiculturalism requested that “grants for settlement services be clearly separated from grants related to multiculturalism” so that multiculturalism grants target the wider community (Multiculturalism BC 1996: 26). Shortly before the NDP’s narrow re-election in 1996,<sup>109</sup> responsibility over multiculturalism was transferred to the Attorney General, Ujjal Dosanjh. One of his first measures consisted of forming a provincial Hate Crimes Team to “prevent and prosecute hate-motivated activities”<sup>110</sup> (Multiculturalism BC 1997: 13). After the election, Multiculturalism BC was allocated \$250,000 to steer “institutional change and anti-racism” partnerships with public institutions and agencies through policy development, organizational change, multiculturalism and anti-racism initiatives (*ibid.*: 12). Minister Dosanjh also set-up an Interministerial Committee on Multiculturalism to enable institutional change and facilitate compliance with the Act (British Columbia 1996: 464). In response to questioning from the Liberal Opposition, Dosanjh confirmed the \$2.5 million in settlement grants “notionally sit in the immigration part of the ministry” and were therefore no longer tied to the multiculturalism grants<sup>111</sup> (*ibid.*: 469). A year later, the Government of BC concluded an agreement with the Government of Canada for which the province received \$22.4 million over three years for immigration settlement services (British Columbia 1997: 4495). This was an important step in the ongoing negotiations between the two orders of government over the devolution of immigration settlement powers. In spite of the significant increase in funding

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<sup>109</sup> The NDP was returned to power, but its share of legislative seats was reduced from 51 to 39. The NDP had been embroiled in controversy ever since Mike Harcourt’s surprising resignation in response to a fundraising scandal involving members of his caucus, despite sound economic policy under his leadership (Barman 2007: 359). Glen Clark was named leader and therefore successful in his bid to becoming Premier. However, the real story of the 1996 election was the continued rise in popularity of the BC Liberal Party, who went from 17 to 33 seats under its new leader, former Vancouver mayor Gordon Campbell. The election also marked the definitive end of Social Credit (*ibid.*: 360).

<sup>110</sup> The Hate Crime Team consisted of representatives from the RCMP, the Vancouver Police Department, the Crown Counsel and staff from the Ministry of the Attorney General and Multiculturalism BC.

<sup>111</sup> When the previous NDP government presented the Bill 39, the *Multiculturalism Act*, Minister Hagen was proud to announce that for the first time the government would introduce immigrant settlement grants as part of the \$1 million allocated to multicultural grants (British Columbia 1993: 8500).

opportunities this presented, Minister Dosanjh remained adamant in keeping immigration matters outside the Multicultural Advisory Council's mandate, asserting that, "immigrant settlement issues are entirely different from multicultural issues" (British Columbia 1997: 2910). As Minister Dosanjh was asked to elaborate on the province's multiculturalism policy he underlined its strong focus on anti-discrimination, which he felt was justified given BC's historical legacy of racist incidents. As evidence, Dosanjh pointed to the persecution of Japanese Canadians, the *Komagata Maru* affair and Chinese head tax (*ibid.*: 2905); all past injustices that involved discriminatory immigration policies based on racial prejudice towards Asians. Yet the Attorney General remained firm in his belief that "immigration has nothing to do with multiculturalism" (*ibid.*: 2910). Even so, the B.C. Core Funding Program was offering grants to cover the operational expenses of organizations with a primary mandate of "anti-racism, multiculturalism, and/or immigrant settlement" (Multiculturalism BC 1997: 14), in addition to the Settlement Grants Program. Both grant programs were administered by Multiculturalism BC's Community Liaison Branch. Thus, there was some inconsistency in the Minister's conception of multiculturalism policy and its actual implementation, made possible by the ambiguous institutional rules that define the policy's purpose and functions.

It was in this context of prevailing ambiguity that, in 1998, the Government of British Columbia concluded two intergovernmental agreements that would activate the mechanism of *redirection*. The Governments of Canada and BC finally came to an accord on April 1, 1998, over the devolution of immigrant settlement responsibility to the province, while the federal government kept immigrant selection powers (British Columbia 1998: 7233). This meant the \$2,5 million the province allocates annually to the BC Immigrant Settlement Program would henceforth be supplemented with over \$23 million in annual funds from Citizenship and Immigration Canada

for immigrant settlement and integration services (Multiculturalism BC 1999: 19). Upon concluding the arrangement, Multiculturalism BC announced it would hold community consultations focused on program redesign and realigning funding priorities to develop a “made in BC” approach (*ibid.*: 19). However, the fact that the announcement came after the accord demonstrates the province’s lack of strategic planning or any clear foresight into how it would handle the additional responsibilities once the funds were transferred.

Next came the Nisga’a Final Agreement reached on July 15, 1998 between the Governments of BC and Canada and the Nisga’a Tribal Council. The tripartite agreement was a major step towards the creation of the first modern treaty in British Columbia (Molloy 1998: A15).<sup>112</sup> More importantly, the implications of the Treaty for the political self-determination of the Indigenous community set an important precedent. The Nisga’a Final Agreement established a democratic government under which every adult Nisga’a can vote and run for office. It included government accountability and conflict-of-interest guidelines as well as financial-accountability mechanisms comparable to the ones other governments in Canada are legally obligated to follow (*ibid.*). The Nisga’a people remained bound by the Constitution of Canada and other provincial and federal laws, but gained important law-making powers, including adapting the local school and health systems (*ibid.*). In the Fall of 1998, staff from Multiculturalism BC participated to the *Nisga’a Treaty Implementation Project* to ensure information regarding the Treaty and its implications were made available to multicultural, anti-racism and immigrant servicing agencies and their clients (Multiculturalism BC 1999: 15). Suddenly, Cree became one of the languages

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<sup>112</sup> The Agreement terminated the application of the *Indian Act* on Nisga’a territory. As such, it established the Nisga’a people’s ownership over their lands with each homeowner now holding title over their land and the remainder belonging to the Tribal Council, similar to the ownership of Crown lands in the province (Molloy 1999: A19). In addition to the 2,000 square kilometers of land, the Nisga’a Tribal Council agreed to receive \$253 million in monetary benefits for a total estimated value of \$487 million (Molloy 1998: A15).

taught under the province's Heritage Language Program and the Hate Crime Team began collaborating with First Nations to organize forums within Aboriginal communities throughout BC (*ibid.*: 15-17). Consequently, without any amendments to the *Multiculturalism Act* and just five years after its adoption, already the province's multiculturalism policy was being redirected towards new ends in light of emerging priorities. Once presented as outside the mandate of Multiculturalism BC and the Advisory Council, the interests and needs of agencies providing services to immigrant and Indigenous communities were quickly becoming a concern.

At the head of this gradual redeployment of BC's multiculturalism policy was the Minister Ujjal Dosanjh. As the Minister responsible for Multiculturalism and Immigration he signed the agreement with the federal Citizenship and Immigration Minister, Lucienne Robillard, in May 1998, to give BC full responsibility for designing and delivering immigrant settlement and integration services, the so-called "made-in-British-Columbia approach" Dosanjh yearned for (British Columbia 1999: 12260). Moreover, in his capacity as Attorney General, Dosanjh was also deeply involved in the Nisga'a treaty negotiations and Final Agreement. Dosanjh therefore emerged as a *political entrepreneur* almost by default. He never articulated a clear ideology or set of guiding principles that would define the redirection of BC's multiculturalism policy in the way Carr and Kerkyasharian did in NSW, or Sumner and Smolicz before them in South Australia. Asked to define multiculturalism as a public policy during debates in the BC Legislature, Dosanjh offered the somewhat vague answer that it stood for three things: integration, anti-discrimination and "the promotion of the acceptance of diversity in British Columbia" (British Columbia 1997: 2903). His political entrepreneurship was one of opportunism, reacting to circumstances as they appeared and exercising discretion when needed. This is evidenced by his contradictory remarks regarding multiculturalism and immigration having nothing in common, then redirecting



Multiculturalism BC staff towards immigrant settlement planning and service provision shortly after. Multiculturalism BC nevertheless demonstrated an ability and willingness to adapt to changing circumstances under Dosanjh's leadership and guidance from the Advisory Council on Multiculturalism. As such, the members of the Advisory Council provided an important source of *policy entrepreneurship* to help make this transition. These background actors are essential in generating new policy ideas that can be taken up by authority figures to replace obsolete programs.

It was perhaps this adaptability and openness to new ideas that rewarded Dosanjh with the leadership of the party and premiership of British Columbia in February 2000, following Glen Clark's resignation.<sup>113</sup> In the unveiling of his cabinet, Premier Dosanjh established the first provincial stand-alone Ministry of Multiculturalism and Immigration in Canada (Multiculturalism BC 2000: 8). In response to recommendations from the Advisory Council on Multiculturalism for employment equity legislation and increased partnerships with First Nations (Multiculturalism BC 1999: 24-5), the new Ministry created an Equal Opportunity Secretariat, which included the Collaborative Vision Society assigned with organizing partnerships between public service human resource managers and Aboriginal people in the BC interior (Multiculturalism BC 2001: 81). Indeed, Multiculturalism BC identified "the need to facilitate dialogue between aboriginal and non-aboriginal communities to build cross-cultural understanding and to address their unique experience of racism and discrimination" as one of the primary objectives of its Institutional Change Program (*ibid.*: 83). Evidently, the NDP government's recognition of Aboriginal title and right to self-government was gradually having a marked impact on institutional change in British Columbia, reaching into the previously separate field of multiculturalism policy.

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<sup>113</sup> The RCMP raided Premier Glen Clark's home in Vancouver's east side in March 1999 in relation to an investigation into possible corruption over a casino application (Harnett and Hunter 2003). Amidst the ensuing scandal Clark resigned on August 21, 1999.

But the role of Premier revealed itself a poisoned chalice for Dosanjh. He inherited the leadership of an increasingly unpopular party after the second resignation of an NDP Premier amidst scandal in just three years. The 2001 election was nearing and Gordon Campbell's Liberals were keen on taking advantage of British Columbian's disapproval of the NDP government. In an effort to capitalize on popular resentment towards the Nisga'a Final Agreement, Gordon Campbell launched a court challenge seeking an order declaring the treaty unconstitutional, which was promptly dismissed by the British Columbia Supreme Court (*Campbell v. British Columbia (Attorney General)* [2000] par. 1). But Campbell's resolve to oppose the treaty process did not end there. The Liberal Party promised to hold a referendum on treaty negotiations within their first year in office if elected (BC Liberals 2000: 27). In fact, the BC Liberals promised a lot of things coming into the 2001 election. Their platform, entitled *A New Era for British Columbia*, was laden with populist proposals and contained 200 measures, ranging from establishing fixed provincial election dates to eliminating photo radars "to put police officers back on the streets" (*ibid.*: 31). The election resulted in a crushing defeat of the NDP government, reduced to an embarrassing 2 seats while Ujjal Dosanjh failed to get re-elected. By contrast, Campbell's BC Liberals had orchestrated the most lopsided electoral victory in Canadian history (Girard 2002: H01). They gained 77 of 79 seats and therefore entered the 37<sup>th</sup> Parliament facing virtually no opposition. Given the new Premier's blatant hostility towards the modern treaty process and the discretionary power so far seen in the interpretation and implementation of BC's multiculturalism policy, recent efforts to partner with self-governed First Nations seemed seriously compromised. The next section examines how and why the BC Liberal government made the surprising decision to continue the work of their predecessors with regards to immigrant integration and Aboriginal affairs within the mandate of Multiculturalism BC.

#### 6.4. *The Unexpected Consolidation of the Policy Changes*

The Liberals' *New Era for British Columbia* was a complete restructuring of the province's public administration. Within their first year in office, the Campbell government slashed income and business taxes. To compensate for the \$2,2 billion in tax cuts and fulfill its commitment to balancing the budget by April 2004, they cut government expenditures by \$1,9 billion over three years, an average reduction of 25 per cent in each ministry except health and education (*ibid.*). The most controversial of all these measures was the largest civil-service job cut in Canadian history, roughly 11,700 positions or one-third of the government payroll (*ibid.*). Some applauded the *New Era*'s transformation of the "Left Coast" (Hume 2002: A10), while protests grew larger and angrier as the Campbell government went ahead with the changes (Girard 2002: H01). But among the many contentious measures to transpire from the *New Era* agenda few proved as divisive as the referendum on treaty negotiations.

An eight-question ballot was delivered by mail to registered voters in April 2002 and only one-third of them had returned it by the May 15 deadline (Elections BC 2002: 1-6). The questions were formulated in a way that gave voters the impression that Aboriginal treaty rights could entail substantial material losses to non-Aboriginal British Columbians.<sup>114</sup> Veteran pollster Angus Reid called the exercise "one of the most amateurish, one-sided attempts to gauge public will that I have seen in my professional career" (Mickleburgh 2002: A9). The Archbishops of the Ukrainian Orthodox and Anglican churches called it "immoral" and invited parishioners to send their spoiled ballots to the First Nations Summit to show their solidarity (*ibid.*). The referendum was, however,

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<sup>114</sup> For example, the referendum invited a yes or no response to statements like "private property should not be expropriated for treaty settlements"; "parks and protected areas should be maintained for the use and benefit of all British Columbians"; and "tax exemptions for Aboriginal people should be phased out" (*ibid.*: 2).

endorsed by the Business Council of BC, the BC Chamber of Commerce and the Fraser Institute (Kitchener-Waterloo Record 2002: A5). The referendum also received the undesired support of a white supremacist group called B.C. White Pride, which claimed the plebiscite would “promote unity among white people” (National Post 2002: A8). Perhaps the most controversial question the referendum asked was whether or not “Aboriginal self-government should have the characteristics of local government”, a claim explicitly rejected by Justice Paul Williamson of the B.C. Supreme Court two years earlier in *Campbell v. British Columbia*. The judge had ruled that First Nations possess an inherent right to self-government under the Constitution, not merely delegated powers (Berger 2002: A11). Thus, in a scathing editorial of what it called “a referendum to let the majority weigh in on minority rights”, the Globe and Mail affirmed the “whole exercise betrays a sad misunderstanding of the claims of aboriginal Canadians” and is “a recipe for polarization, not consultation, and should be dropped from the Premier’s agenda” (Globe and Mail 2002: A22). The Campbell government nevertheless went ahead with the referendum and, unsurprisingly given the calls for boycott from opposition groups, received massive support from those who voted, ranging from 84.5% to 94.5% positive responses (Matas and Jang 2002: A1). Judith Sayers, Chief of the Hupacasath First Nation thought it “devastating that such a high percentage of people voted Yes” and felt worried that it would derail the whole treaty process (*ibid.*). Multiculturalism BC was subsequently transferred to the Ministry of Community, Aboriginal and Women’s Services, tucked into the Aboriginal, Multiculturalism and Immigration Programs Division (Multiculturalism BC 2002: 8). In addition to seemingly merging all minority groups into one division, the Campbell government’s Bill 64 disbanded the Human Rights Commission erected in 1973 (British Columbia 2002: 3986). It would appear that issues regarding the protection of minority cultures and social

justice had been driven to the bottom of the Campbell governments *New Era* agenda in just its first year in office.

Just as the changes to the public administration had been swift and all encompassing, the Campbell government's 2003 Speech from the Throne presented a stunning reversal of its so far hostile approach to Aboriginal treaty rights. "We must open our minds to new ways of meeting our common interests" the Speech declared, starting with "new partnerships with first nations" (British Columbia 2003: 4698-9). The most unexpected part of the BC Government's new pledge towards recognition and reconciliation with First Nations was its admission of failure and regret. It stated,

Errors have been made in the past. Our institutions have failed aboriginal people across our province. Your government deeply regrets the mistakes that were made by governments of every political stripe over the course of our province's history. It regrets the experiences visited upon First Nations through years of paternalistic policies that fostered inequality, intolerance, isolation and indifference. (*Ibid.*: 4700)

Whilst an expression of regret is not an apology (James 2010: 63), the Speech nevertheless showed the government had learnt from the *Delgamuukw* and *Campbell* cases in how to deal with Aboriginal claims. In promising "a new era of reconciliation with First Nations", the Campbell Government asserted "the place to meet is at the negotiating table, not the courts or on opposite sides of new barriers to understanding" (*ibid.*). By contrast to the binary opposition built into the referendum's tendentious questionnaire and the adversarial nature of litigation, treaty negotiations would not seek to curtail the more contentious issues of self-government and fishing rights (*ibid.*). Rather, the reconciliation process hoped to foster new forms of dialogue to find mutually beneficial solutions, such as expanding First Nations involvement in "the comanagement of parks and

recreational services” as well as in the main industries of BC’s economy, namely “oil and gas, tourism, forestry, fish aquaculture and the Olympic bid” (*ibid.*).

The objectives of this second phase of the BC Liberal’s *New Era* were equally ambitious as the first phase but the speed of changes less precipitous this time around. With the province’s first fixed-date election approaching, the Speech from the Throne opening the sixth and final session of the 37<sup>th</sup> Parliament claimed that, “as Canadians, we are a model of multiculturalism. Yet as British Columbians, the opportunity is ours to take that reality to a higher level” (British Columbia 2005: 11733). In an announcement layered with campaign overtones, the Speech announced increased support for ESL programs in the coming years, along with learning in Aboriginal languages, Punjabi, Mandarin and other languages of the Asia-Pacific (*ibid.*). Upon re-election in a far more competitive contest where the NDP regained 33 seats, Attorney General Wally Oppal was named Minister responsible for Multiculturalism. Oppal proceeded to assign the renamed Multicultural Advisory Council (MAC) with the task of undergoing a review of multiculturalism programs and services following the release of MAC’s *Strategic Framework for Action: A Strategy to Stimulate Joint Action on Multiculturalism and the Elimination of Racism in British Columbia*. The review’s first recommendation was to further engage with Aboriginal communities around “the dialogue on multiculturalism” (Multiculturalism BC 2006: vii). The second was to maintain support for the provincial anti-racism and multiculturalism program (*ibid.*). The third, fourth and fifth recommendations related to the promotion of cultural diversity in school, during the 2010 Olympic Winter Games, and in society more generally. The MAC confirmed its activities were now primarily focused around “developing tools and resources that optimize participation from British Columbia’s diverse cultural communities in the Games” (Multiculturalism BC 2006: vi). Thus, as British Columbia would soon be revealing itself to world

audiences as it had for Expo '86, it was imperative that outstanding socio-political tensions be resolved to present an image of diversity living in harmony.

The first step in that direction was to reinstate a stand-alone Ministry of Aboriginal Relations and Reconciliation after having previously relegated Aboriginal affairs to a sub-division of another department during the first phase of the *New Era*. The new ministry undertook negotiations with First Nations over treaties and other agreements regarding the distribution of Crown land and natural resources, as well as funding activities aimed at protecting and revitalizing Indigenous languages (*ibid.*: 3). The vision for a *New Relationship* with Aboriginal peoples took off in earnest with the signing on November 25, 2005, of the trilateral Transformative Change Accord between the Governments of British Columbia and Canada and the First Nations Leadership Council<sup>115</sup>. Premier Campbell called the *New Relationship* “quite simply [...] the right and moral thing to do” (British Columbia 2008: 1). For its part, the Multiculturalism and Immigration Branch was transferred to the Ministry of the Attorney General, which allocated grants and funding for special projects through the B.C. Anti-Racism and Multiculturalism Program (BCAMP). In addition to the BC Hate Crime Team established when Ujjal Dosanjh (NDP) was the Attorney General, the Ministry now headed by Wally Oppal (Lib.) developed a Critical Incident Response Model (CIRM), a three-step process for communities to set-up protocols in response to acts of racism and hate activity (*ibid.*: 8). Oppal also set-up an Immigration Policy and Intergovernmental Relations Division to negotiate funding agreements with CIC (*ibid.*). This was part of the Campbell government’s commitment to expand the Provincial Nominee

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<sup>115</sup> As a signatory partner to the Accord, the First Nations Leadership Council represented the BC Assembly of First Nations, the First Nations Summit and the Union of BC Indian Chiefs. The purpose of the Accord was to reach a mutual agreement on goals and ways for closing the social and economic gap between First Nations and other British Columbians over the next 10 years, as well as reconciling Aboriginal rights and title with those of the Crown (Government of British Columbia et al. 2005: 1).

Program (PNP) from 1,000 to 2,000 nominees per year<sup>116</sup> (British Columbia 2005: 374). Soon after, Minister Oppal confirmed the province was set to receive roughly \$300 million over five years from CIC for the administration of devolved immigrant settlement services (British Columbia 2005: 1854). A year later, he confirmed the Government of BC had negotiated an additional \$71,5 million over two years in Federal funding for settlement programs and a \$1 million transfer to the BCAMP as part of the *Canada's Action Plan Against Racism* and the Welcoming Communities Initiative (British Columbia 2007: 5860-1).

Despite an economic recession set off by the 2008 global financial crisis, Premier Campbell reiterated his commitment to the Transformative Change Accord and BC treaty process in his final Speech from the Throne before the May 2009 BC elections (British Columbia 2009: 13734). The BC Liberals were returned to power for the third straight mandate, a feat unseen in BC politics since the days of Social Credit's dominance. The insistence on the "worst recession in 27 years" and how "Government revenues have been decimated" (British Columbia 2009: 4) in the opening remarks of the Speech from the Throne opening the 39<sup>th</sup> Legislature surely called to mind the drastic budget cuts imposed on British Columbians in 2001. The fiscal restraint had severely curtailed Indigenous and multiculturalism policy development throughout the Campbell government's first mandate. However, the province now dealt with a refashioned Premier Gordon Campbell and different set of circumstances. Indeed, with the province set to "welcome the world" (*ibid.*: 8) in 2010, British Columbia received an additional \$1,6 billion in transition assistance from the federal government to better cope with the effects of the recession (*ibid.*: 4) and showcase a

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<sup>116</sup> The PNPs allow provincial governments to actively select temporary status immigrants and nominate them for permanent residency status to meet population growth and labour force needs. The program experienced rapid expansion in the 2000s, especially in provinces and non-metropolitan areas that usually experience lower levels of immigration (Bonikowska et al. 2015: 9). Following the BC Liberals' re-election, PNPs did in fact more than double from 790 in 2005 to 1,925 in 2006 (principle applicants and spouse/dependents combined). BC nominee figures continued to rise, peaking in 2013 at 7,150, a 19,7% share of the province's total intake of permanent immigrants that year (IRCC 2016).



thriving economy to potential global investors. British Columbia's natural beauty, cultural diversity, and booming skyline were put on full display throughout the 2010 Winter Games and the province's economy quickly rebounded as shown in Figure 6.1. Meanwhile, the unveiling of the Cabinet introduced a new Department of Citizens' Services whose Minister, Ben Stewart (Lib.), was named Responsible for Multiculturalism. The Ministry incorporated immigrant settlement and integration through the new WelcomeBC program, as well as anti-racism and multiculturalism through the new EmbraceBC program, which replaced the BCAMP (British Columbia 2009: 1056). The MAC was fully supportive of the changes to EmbraceBC and introduced the notion of "indigenous multiculturalism"<sup>117</sup> to underscore the provincial multiculturalism policy's continued commitment to the goals of the Transformative Change Accord (Multiculturalism BC 2009: ii).

Thus, against all expectations at the start of the Campbell *New Era*, the Government of BC had consolidated the *redirection* of the province's multiculturalism policy to complement the devolution of immigrant settlement services and treaty process initiated under the previous NDP government, while maintaining the policy's central focus on combatting racism. More importantly, the succession of changes to BC's multiculturalism policy was made without any amendments to the *Multiculturalism Act*. In spite of political turnover and the responsibility for multiculturalism often changing ministry, the one constant throughout this process of policy conversion has been the policy entrepreneurship of the Advisory Council. The MAC continued to monitor the changes and consistently fulfilled its advisory and annual reporting obligations. In similar fashion to Nova Scotia's policy, high discretionary power has left BC's multiculturalism policy vulnerable to

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<sup>117</sup> According to the BC Multicultural Advisory Council, Indigenous multiculturalism refers to "the diversity of First Nations cultures, languages, histories and traditions which existed prior to the arrival of Europeans and still exists today" (Multiculturalism BC 2009: ii).

economic shocks and reversals in the political agenda. But unlike Nova Scotia, this vulnerability has been mitigated by the oversight and advice of an independent third party (i.e. MAC) and institutional rules that extend compliance requirements to all Government departments, agencies and Crown corporations, as is the case in New South Wales. Ambiguity and discretion have also given the unexpected political entrepreneur Premier Gordon Campbell the flexibility required to adapt the policy in the face of opportunity. For in parallel to Bob Carr unveiling a total reform of the NSW Ethnic Affairs Commission on the eve of the Sydney 2000 Summer Olympics, Gordon Campbell reset of BC's approach to immigration, multiculturalism and Aboriginal affairs occurred in the context of preparations for the 2010 Winter Olympics. This is by no means trivial, since no event shaped BC politics in the 2000s more than the Olympic bid. Moreover, evolving jurisprudence recognizing the existence of Aboriginal title (*Delgamuukw* [1997]) and the Crown's duty to consult Aboriginal communities when their title claims could be adversely affected (*Haida Nation* [2004]), meant that if the BC Government failed to gain the support of local First Nations, the Vancouver/Whistler bid to host the Games would fall apart. Thus, Campbell's "new relationship" Speech from the Throne on February 11, 2003, came just a few months before the International Olympic Committee's July 1 decision to award the Games to Vancouver/Whistler. Consequently, context and institutions evidently provide opportunity for change; but ultimately ideas and actors placed in a position of authority are what redirect institutions to achieve new ends.

**Figure 6.1 British Columbia GDP by Industry (in thousands), 1984-2018<sup>118</sup>**



### 6.5. Completing the Policy Conversion

With the festivities surrounding the Olympic games over and behind them, Multiculturalism BC confirmed its focus had shifted from showcasing British Columbia on a “world stage” to the “local context” (Multiculturalism BC 2011: 5). However, world events soon put a strain on the local context when two ships carrying Tamil migrants escaping war-ravaged Sri Lanka reached the shores of British Columbia. Almost a century after the *Komagata Maru* incident, military, RCMP and Canadian Border Services Agency officials intercepted and boarded the *MV Sun Sea* just off

<sup>118</sup> Table by author using a combination of Government of BC datasets available online and retrieved from the Government of British Columbia website: <https://www2.gov.bc.ca/gov/content/data/statistics/economy/bc-economic-accounts-gdp>

the coast of Vancouver Island on August 12, 2010. The ship was carrying 492 Tamil Sri Lankans seeking asylum and was the second vessel to reach BC's coast in less than a year, after the irregular arrival of the *Ocean Lady* in October 2009, with its 76 passengers (Ibbitson et al. 2010: A1). Canada's Public Safety Minister, Vic Toews, viewed the second arrival as proof that the first had been a test of the government's response to irregular boat arrivals. The Conservative Minister Toews swiftly declared, "we want to send a very clear message that this type of activity, specifically human trafficking and human smuggling is illegal, it's criminal and we will take the strongest steps possible to deter it" (*ibid.*). Inspired by Australia's *Pacific Solution*, the Government of Canada's hardening attitude towards refugees arriving by irregular means resulted in the controversial Bill C-49, *The Preventing Human Smugglers from Abusing Canada's Immigration System Act* introduced in October 2010 (Derosa 2012: C1). On June 28, 2012, Parliament followed up with the adoption of Bill C-31, *Protecting Canada's Immigration System Act*, which enforced mandatory detention for irregular arrivals, including boat arrivals or any cases where human smuggling is suspected (*ibid.*). The Minister of Citizenship, Immigration and Multiculturalism, Jason Kenney, defended the controversial Bill and broad discretionary powers it grants him to determine what constitutes an "irregular arrival" by asserting "Canada's asylum system is broken" (CIC 2012: 2). Kenney insisted the measures were necessary since Canada's "generous asylum system has been abused by too many people making bogus refugee claims" (*ibid.*). In parallel to the immigration reforms, Kenney began progressively reforming the federal Multiculturalism Program, first by launching Inter-Action, the program's new portal for grants and contributions (CIC 2010a: 5). CIC's program review of CAPAR<sup>119</sup> activities (*ibid.*: 19) also

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<sup>119</sup> *Canada's Action Plan Against Racism* (CAPAR) stemmed from Canada's participation at the World Conference Against Racism (WCAR) in Durban, South Africa, in 2001, where the Durban Declaration and Programme of Action (DDPA) was adopted by consensus, and called for member states to implement a national action plan against racism (CIC 2010b: 14-5). In its final statement upon adopting the DDPA, Canada distanced itself from references to the

resulted in a noticeable shift in Canada's anti-racism strategy towards prioritizing combatting anti-Semitism<sup>120</sup> with the establishment of the Inter-Parliamentary Coalition for Combatting Anti-Semitism (ICCA) (*ibid.*: 8). Moreover, the Welcoming Communities Initiatives (WCI) were replaced by the Community Connections stream of the Settlement Program but maintained Alternative Funding Arrangements with BC and Manitoba (CIC 2010a: 21).

Amidst the strong press coverage of the *Sun Sea* affair and controversial reforms of the Federal Minister, the Government of BC responded by funding the Refugee Trauma Project aimed at newly arrived refugee children and families living in Vancouver who suffer from traumatic experiences (Multiculturalism BC 2011: 22-3). EmbraceBC continued to direct the core of its activities towards combatting racism by supporting the BC Hate Crime Team (BCHCT), funding the Anti-Racism Training Research project and replacing the CIRM with the Organizing Against Hate and Racism (OAH<sup>121</sup>) programs (Multiculturalism BC 2011: 46). Despite the federal government's intent on overhauling Canada's immigration system, immigration to British Columbia continued to rise, particularly temporary immigration with its steady increase of PNPs as shown in Figure 6.2. In addition, WelcomeBC and CIC concluded the Canada-BC Foreign Credential Recognition Agreement in August 2010 (Multiculturalism BC 2011: 38). As for the connection between the New Relationship and BC's multiculturalism policy, the provincial

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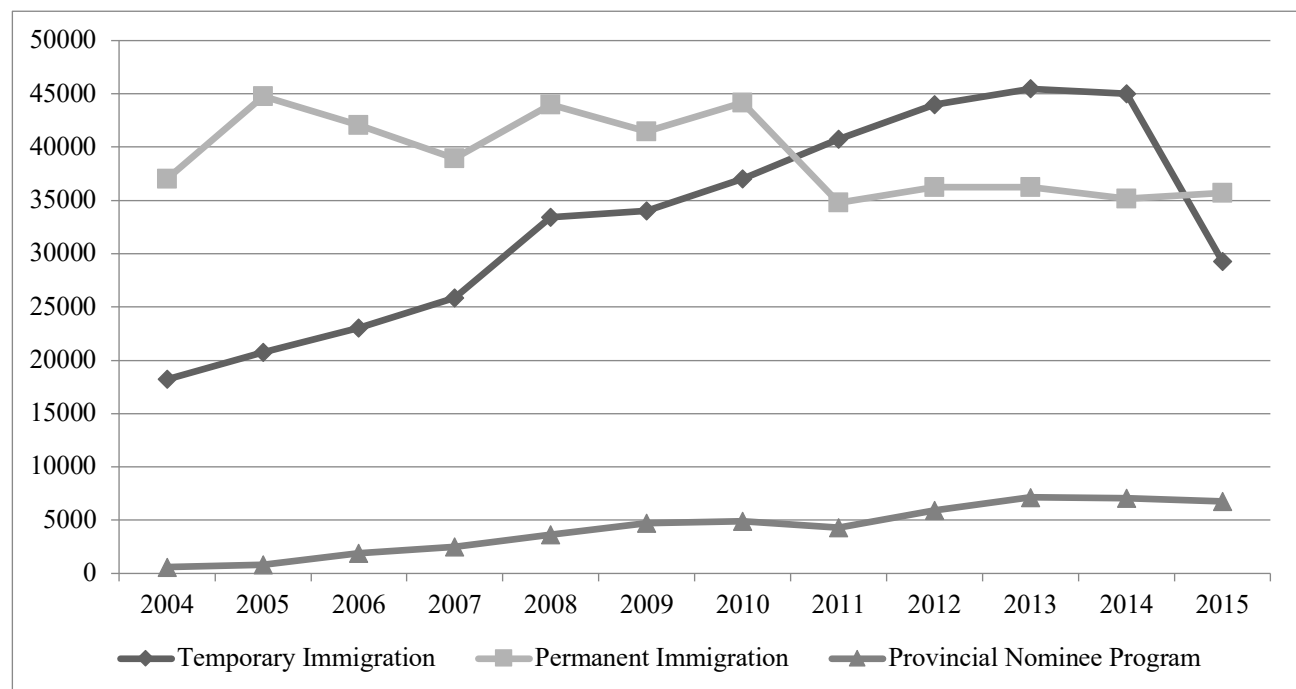
Middle East, which had caused major division throughout the Conference, and expressed regret that the Conference failed to "recognize the close links between racism and religious and linguistic discrimination" (Canadian Heritage 2002: 63-4). Canada's *Statement of Reservation* was inaccurately depicted by Minister Kenney as a withdrawal from the DDPA "due to profound concerns about manifestations of anti-Semitism at the Conference" (CIC 2010a: 8). Consequently, Canada then boycotted Durban II "due to the participation of overly anti-Semitic regimes in its planning and has lost faith in the Durban process" (*ibid.*).

<sup>120</sup> In addition to the ICCA, Canada assumed the Chairmanship of the International Holocaust Remembrance Alliance in 2013 (CIC 2013: 4). Under Minister Kenney, the Multiculturalism Program also established an Office of Religious Freedoms (*ibid.*), an Award for Excellence in Holocaust Education, an International Holocaust Poster Design Competition, held a series of seminars on Holocaust education at colleges and universities across Canada, and developed Holocaust-related holdings at Library and Archives Canada (*ibid.*: 11-3).

<sup>121</sup> The BCHCT and OARH were subsequently awarded the *National Award of Excellence* from the Canadian Race Relations Foundation in the Government category in 2012 (CRRF 2015).

government reviewed recruitment and hiring processes to increase the number of Aboriginal employees in the Public Service and restored the name Haida Gwaii to the Queen Charlotte Island in recognition of the Haida Nation's historical presence (*ibid.*: 13), and whose title claims were upheld by the Supreme Court of Canada's 2004 ruling in *Haida Nation v. British Columbia (Minister of Forests)*. In short, the gradual conversion of BC's multiculturalism policy from a narrow focus on *social justice* to promoting a *multicultural identity* inclusive of Indigenous peoples and adding robust *civic participation* measures through bilateral immigration settlement agreements continued despite the federal government's reforms of its immigration and multiculturalism policies.

**Figure 6.2 Immigration to British Columbia by major visa group, 2004-2015<sup>122</sup>**



<sup>122</sup> Table by author based on Immigration, Refugees and Citizenship Canada datasets retrieved online: <https://open.canada.ca/data/en/dataset/ad975a26-df23-456a-8ada-756191a23695>  
<https://open.canada.ca/data/en/dataset/360024f2-17e9-4558-bfc1-3616485d65b9>

Things seemed to be going smoothly for Multiculturalism BC until the leader of the Official Opposition, Adrian Dix (NDP), revealed a leaked email documenting a plan from the BC Liberals to target “ethnic voters” across BC using public funds for “quick wins” (British Columbia 2013: 458). The Multicultural Outreach Strategy caused major controversy and forced the Minister Responsible for Multiculturalism, John Yap, to resign from his cabinet post as well as Premier Christie Clark’s deputy chief of staff, Kim Haakstad, who helped draft the document sent to several Liberal MLAs through her private Gmail account (CBC 2013a). An internal government probe into the “quick wins” scandal revealed a number of serious breaches of the government’s code of conduct and forced the BC Liberal party to repay \$70,000 in misspent public funds (CBC 2013b) just two months before the 2013 BC general election. Premier Clark and the BC Liberals were nevertheless returned to power, even increasing their majority in the Legislature. Teresa Wat was named Minister of International Trade and Minister Responsible for Multiculturalism. Wat maintained EmbraceBC’s core focus on combatting racism with the OARH, Safe Harbour, and Unlearn Racism programs (British Columbia 2014: 2600). She did, however, acknowledge some uncertainty with regards to CIC federal transfers for BC’s multiculturalism policy, potentially affecting the provincial government’s ability to maintain current program levels (*ibid.*). This was disquieting news for non-governmental service providers, considering 75% of the provincial budget of \$2,47 million for multiculturalism was financed through deferred federal funding (*ibid.*). Months later, Liberal MLA Richard Lee confirmed the federal government had terminated the Canada-BC Immigration Agreement, taking back the funds destined for the province and distributing the money itself to settlement service providers who successfully qualified to receive CIC grant funding (British Columbia 2014: 5318). Not only did this severely compromise the years of work put into the so-called “made-in-BC” approach to immigrant settlement programs,

the Harper Government also withdrew federal transfers to Multiculturalism BC (British Columbia 2015: 6064). The sudden decline to temporary immigration streams in BC after 2014 appearing in Table 3 reflects these unexpected changes. To compensate for the loss of revenue, Minister Wat announced a \$1 million increase in funds allocated by the province to multiculturalism, although this meant that annual budget expenditures to multiculturalism would still be halved (*ibid.*).

In spite of the unforeseen budget constraints, one of Teresa Wat's first measures in her capacity as Minister Responsible for Multiculturalism was to initiate the Chinese Historical Wrongs Consultation (Multiculturalism BC 2014: 45). This eventually led to a motion presented by Premier Christie Clark which apologized for "more than a hundred laws, regulations, and policies that were imposed by past provincial governments that discriminated against people of Chinese descent since 1871, when British Columbia joined Confederation, to 1947", the year the *Canadian Citizenship Act* was proclaimed (British Columbia 2014: 4017). In the formal apology on behalf of the Legislative Assembly, Premier Clark was unequivocal in saying "sorry for the discriminatory legislation and racist policies enacted by past provincial governments" (*ibid.*: 4018). The formal apology was significant for two reasons. First, it did not simply *regret* past injustices but apologized plainly for those acts. Second, it took ownership for precise wrongdoings committed by the *provincial* Government of BC. In a province whose multiculturalism policy came about in the aftermath of Canada's apology to Japanese Canadians – who almost all lived in BC and yet did not receive an equivalent expression of guilt from the province – and who was criticized for its hollow apology for the *Komagata Maru* affair (James 2010: 61), this signalled a change of tone. The Government of BC followed up the apology with the creation of the Legacy Initiatives Advisory Council (LIAC) to implement the eight legacy projects recommended in the Chinese Historical Wrongs Final Report (Multiculturalism BC 2015: 52). Of those projects, one



led to the designation of 21 places of historical significance under the *Heritage Conservation Act* (Multiculturalism BC 2016: 45), as well as new legislation presented by Minister Wat, the *Discriminatory Provisions (Historical Wrongs) Repeal Act* assented to on March 16, 2017. In addition to these *social justice* and *multicultural identity* measures, the BC Legislature passed the *Provincial Immigration Program Act*, thereby establishing the legislative framework to “select newcomers under the existing provincial nominee program and any future immigration agreements with the federal government” (British Columbia 2015: 9543). This renewed the Canada-BC Immigration Agreement, increased transparency in the administration of immigration programs and lowered the Minister’s discretionary power by assigning decision-making authority to a director of immigration (*ibid.*: 9544).

When the NDP formed a minority government on a confidence and supply agreement with the Green Party after the 2017 election that reduced the BC Liberals to one seat short of a majority, the John Horgan NDP Government showed no intention of redirecting anew the province’s multiculturalism policy. Indeed, the Parliamentary Secretary for Sport and Multiculturalism, Ravi Kahlon (NDP), announced an expansion of legacy projects to promote healing and understanding of the historical wrongs experienced by BC’s Indigenous, Chinese Canadian, Japanese Canadian, South Asian Canadian, and Doukhobor communities (Multiculturalism BC 2018: 5). In marking the 25<sup>th</sup> anniversary of BC’s *Multiculturalism Act*, the Minister Responsible for Multiculturalism, Lisa Beare (NDP), declared that a “key part of our work is supporting reconciliation with Indigenous Peoples” (*ibid.*: 4). Consequently, the Government of BC would continue to negotiate partnership agreements and Memoranda of Understanding with First Nations, Indigenous Organizations and immigrant serving organizations to “develop culturally appropriate programs, services and policies” (*ibid.*). The NDP Government also reinstated the Human Rights

Commissioner with amendments to the Code assented to on 27 November 2018. The BC Settlement and Integration Services stayed committed to the multiculturalism policy's goal of "full and free participation", most notably by providing services in over 20 different languages and support to newcomers not eligible for federal settlement services, along with bringing further improvements to foreign credentials recognition programs (*ibid.*: 69). Thus, if *social justice* measures have been a constant preoccupation since the adoption of the *Multiculturalism Act*, the conversion of BC's policy to extend *civic participation* measures to immigrants under Ujjal Dosanjh and bring forward Indigenous peoples into the *multicultural identity* of the province under Gordon Campbell is a testament to the causal force of the *redirection* mechanism. A conversion made complete without any formal amendments to the BC *Multiculturalism Act*, but not without the steady policy entrepreneurship of the Multicultural Advisory Council. More importantly, for the 25<sup>th</sup> consecutive year the Minister and Advisory Council met their legal obligation towards the Act by completing the annual report, including compliance reports from all Government departments, agencies and Crown corporations. Without these compliance standards and with the high discretion given to the Minister to interpret the *Multiculturalism Act*'s ambiguous policy, the conversion that began under the NDP government could have been easily reversed by the incoming Liberal government. Instead, strict institutional rules forced the Government of BC to continuously enforce and review multicultural programs and services. The agency of community activists resonated with policy entrepreneurs able to submit clear and persuasive policy ideas to political entrepreneurs looking to bring bold institutional change during this critical juncture.

## *Conclusion*

Citizens in federations live concurrently in “two political worlds” (James 2010: 65). In the political worlds of British Columbia and Canada, this duality has been a constant source of tension and contradiction for matters of shared or overlapping jurisdiction. Successive BC governments hid behind Canada’s legal responsibility in the injustices committed towards Aboriginal and Asian citizens to overlook its own political responsibility. This pattern of “blame avoidance” is a familiar problem of federal systems where power is divided, and responsibility shared (*ibid.*: 58-9). Exclusionary policies, whether the *terra nullius* doctrine or continuous passage clause, all stemmed from ideas of self-righteousness and moral superiority borne by the political class of the province and sanctioned by the powers of the central government. It took lengthy court battles and the constant activism of Asian and Aboriginal British Columbians not duped by the tactics of blame avoidance nor subjugated by prejudice to set in motion the ongoing process of redress and reconciliation.

British Columbia’s multiculturalism policy slowly emerged amidst efforts by the Government of Canada to make amends for its wartime mistreatment of Japanese Canadians, almost all of whom hailed from Vancouver Island and BC’s Lower Mainland. The prevailing reluctance of the Social Credit government to commit to multiculturalism policy was overcome the moment the NDP formed government in the early 1990s. For, the change of government came at a *critical juncture* in BC politics and society. The province was experiencing high population growth through immigration and repeated incidents of acute racial tension. Moreover, Aboriginal title jurisprudence, from the *Calder* [1973] to the *Delgamuukw* [1997] decisions was systematically rejecting the assumptions of the *terra nullius* doctrine. The court decisions also confirmed that Aboriginal rights should be negotiated not adjudicated. As a result, the provincial

government established the BC Treaty Commission, a Human Rights Commission and began negotiations with the federal government over the devolution of immigrant settlement powers. At the same time, BC became the fifth province in Canada to proclaim its own *Multiculturalism Act*.

Even though the newly enshrined multiculturalism policy professed a clear concern for race relations and social justice, it was surprisingly silent on the issues of Aboriginal rights recognition and immigrant integration measures. Once again, the Government of BC justified the exemptions by alluding to jurisdictional constraints. However absent from the province's multiculturalism policy, two agreements in 1998 between the Governments of Canada and BC over immigration devolution and a first modern treaty with First Nations activated the mechanism of *redirection*. Three factors contributed to the conversion of British Columbia's multiculturalism policy once the mechanism of redirection appeared.

First, ambiguous multiculturalism policy provisions in the legislative statute provided high discretion for the Government of BC to reinterpret the purpose of the Act and redirect the policy to new ends. However, strict *institutional rules* regarding the Act's compliance standards meant the Government had to enforce the policy it chose. The Canada-BC Cooperation on Immigration Agreement raised the planning and delivery of immigrant settlement services to the top of the government's policy agenda. Multiculturalism and immigration policy suddenly became enmeshed within *civic participation* initiatives after several years of working in isolation. The simultaneous signing of the Nisga'a Treaty forced the Government of BC to redefine the *multicultural identity* it projects to recognize Aboriginal rights and work in partnership with self-governed First Nations to revitalize Indigenous languages and cultures in the spirit of reconciliation. This redirection of priorities and resources continued despite a change of Government who initially stood firmly against the treaty process. In the end, the gradual

conversion of British Columbia's multiculturalism policy was achieved without the slightest modification to the formal institutional rules of the *Multiculturalism Act*. In short, the socio-political context of this critical juncture mattered to how and why the Government of BC chose to redirect its multiculturalism policy to new ends.

Second, whereas the provisions defining the Act's multiculturalism policy are rather ambiguous, the provisions structuring compliance obligations are quite clear. The Act delineates the terms for mandatory annual reporting requirements from every ministry and government corporation within the meaning of the *Financial Administration Act*. This makes compliance with the Act's *institutional rules* a legally binding requirement for the entire Government of British Columbia, including Crown corporations. The Minister responsible for Multiculturalism is then required to prepare an annual report on the administration and implementation of the Act, while incorporating the reports from all the departments and corporations, as well as the Multicultural Advisory Council. The Government of BC has consistently met its reporting obligations and the MAC has fulfilled its advisory duties to help align the multiculturalism policy with emerging priorities despite the multiculturalism portfolio often changing ministry. The steady enforcement of compliance standards and advice from a third-party organization has proven instrumental to conversion efforts. In sum, strict institutional rules helped ensure BC's multiculturalism policy remained active and relevant, rather than obsolete or incapable of overcoming damaging criticism like the "quick wins" scandal.

Third, policy conversion in BC has been made possible by a combination of opportunity and agency. The substantial transfer payments from the central government to the province in compensation for the devolution of immigrant settlement services meant multiculturalism could also gain significant resources if the two were more closely aligned. This realignment of

multiculturalism programs to serve the interests of the “made-in-BC” approach to immigration was the defining feature of Ujjal Dosanjh’s *political entrepreneurship*. As Attorney General and Minister Responsible for Multiculturalism, Dosanjh initially expressed strong reserves for joining the two programs. However, as the two orders of government reached an agreement and Dosanjh became Premier, a stand-alone Ministry of Immigration and Multiculturalism was established to formalize the complementarity of the two policy fields. The NDP Government had also initiated the reconciliation process with First Nations. This process appeared seriously compromised when British Columbians elected Gordon Campbell and the Liberal party with the largest majority in Canadian electoral history. Campbell had unsuccessfully challenged the Nisga’a Treaty in the BC Supreme Court and promised to hold a referendum that had the potential to derail the entire treaty process. Yet once Vancouver was selected to host the 2010 Winter Olympic Games, the Campbell Government’s stance on treaty negotiations suddenly flipped. BC First Nations had become increasingly organized and assertive of their title rights over the last decades. Failure to consult and gain the support of local First Nations could have ended Vancouver’s hopes of “welcoming the world” and the economic benefits the entire province could reap from such a large-scale event. Instead, the Government of British Columbia signed an agreement with the Squamish and Lil’wat Nations in November 2002, promised “a new era of reconciliation with First Nations” in its February 2003 Throne Speech, then signed a Memorandum of Understanding with the Tseil-Wautuh and Musqueam Nations on the eve of winning the bid to host the Games in July 2003 (IOC 2009: 12). With the support of the Four Host First Nations secured but the Games still years away, the Campbell Government embarked on a *New Relationship* with Aboriginal peoples, enshrined in the 2005 Transformative Change Accord. Thus, in spite of his early misgivings towards the treaty process, Aboriginal reconciliation nevertheless became the defining feature of Campbell’s

*political entrepreneurship* in relation to multiculturalism. As such, the Government of BC sought to incorporate Indigenous reconciliation into multiculturalism whenever appropriate, especially within the *multicultural identity* and *social justice* dimensions of the provincial policy. The political entrepreneurship of Dosanjh and Campbell exemplify how timing and agency matter in a critical juncture and why context and institutional rules provide opportunities that are ultimately shaped by the ideas of actors placed in a position of authority.

Having covered all four case studies, the next chapter offers a systematic comparison of the four modes of incremental institutional change along with the mechanisms and causal factors built into each. It will also provide a final comparison of multiculturalism policy in light of the empirical evidence uncovered in the Australian and Canadian federations.

## Chapter 7

### Exploring the Small Worlds of Gradual Institutional Change

*This just goes to show that, sometimes, federalism actually does work.*  
David Littleproud, Canberra, ACT, 2019.<sup>123</sup>

Comparisons between Australian and Canadian federalism almost invariably find a distribution of power moving in opposite directions. From its initial unitarist design, the Canadian federation has defied the centralizing trend observed in most other federations as policy fields assigned to the provinces in 1867 have grown in importance (Lecours 2017). As seen in chapter 2, another critical driving force to decentralization has been the multiple territorial cleavages, with Quebec nationalism especially and the Western alienation movement both pushing for provincial autonomy (*ibid.*: 16). In the absence of corollary cleavages and the tendency of the Commonwealth government to intervene in policy fields arguably beyond its constitutional limits with the support of the High Court (Aroney 2017: 33), Australia, by contrast, is widely perceived as having persistently moved in the direction of further centralization since federation in 1901 (Fenna 2017: 31). Moreover, the fiscal capacity of Canadian provinces has steadily risen since federation thanks to the collection of own-source revenues generated from sales and income tax, and mostly unconditional grants transferred from the federal treasury. Conversely, Australia's High Court upheld a 1975 legislation that appropriated funds to be spent on programs that otherwise lay beyond the Commonwealth's legislative powers and, in 1997, denied States the right to levy taxes on the sale of goods and services (Aroney 2017: 63). As a result, the Commonwealth government

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<sup>123</sup> Quote from a speech given by the Federal Drought Minister, David Littleproud, in Canberra, on November 7, 2019. His announcement revealed a "unique deal" in which water from the Murray River destined for South Australia would be reallocated to farms affected by a prolonged drought along the Murray-Darling Basin in rural New South Wales and Victoria. In return, the South Australian Government received \$100 million to cover the cost of activating its desalination plant (Sullivan and Barbour 2019).



has been able to impose a range of conditions for the receipt of grants, which has allowed for Australia to develop an increasingly severe vertical fiscal imbalance (*ibid.*: 58).

Keeping in mind these opposite trends regarding de/centralization in both federations, one could reasonably assume that since their adoption of multiculturalism in the 1970s, policy directive would be highly centralized in Australia while Canadian provinces would take the lead given their constitutional jurisdiction over civil rights. In fact, the 1979 report of the *Task Force on Canadian Unity*, co-chaired by Jean-Luc Pepin and John P. Robarts, recommended that provincial governments assume “primary responsibility for the support of multiculturalism in Canada” (Canada 1979: 56). The recommendation was based on the finding that the “regional or provincial framework is the one in which the various ethnic communities have been able to organize and express themselves most effectively and in which pluralism has become a living social reality” (*ibid.*: 55-6). That same year, Australian federal Cabinet discussions following-up on the implementation of recommendation 47 of the Galbally Report revealed plans for the establishment of a committee to “co-ordinate Commonwealth programs and relationships with schools and school systems in the area of multicultural education” (Australia 1979: 5). Even though the regulation and funding of education is primarily a State jurisdiction, the Cabinet submission, endorsed by the Galbally Implementation Task Force, confirmed having made no prior consultation with State governments (*ibid.*: 2) and seldom mentions their involvement in the planned implementation process.

To our research question of how and why have multiculturalism policies changed in the Australian and Canadian federations, we argue that change has indeed been largely incremental and driven by the constituent units. The paradox is that over the period 1989-2019, multiculturalism policy development has taken a clear decentralizing direction in the Australian

federation. By contrast, the direction of multiculturalism policy development in Canada has been much more fragmented and asymmetrical. The result of this uneven and concurrent pattern of expansion and contraction has perhaps consolidated the dominant position of the central government over multiculturalism policy development in Canada. This comes in contrast to the popular narrative of Canada being among the more decentralized federations as opposed to Australia's historical centralizing trajectory. The present chapter explains how and why State governments have taken the lead on multiculturalism policy development in Australia, while the Federal government has held a more prominent role in Canada without preventing separate policies from simultaneously taking their own course in certain provinces.

To explain these divergent processes of incremental change and resulting policy outputs, we begin by examining the institutions established at the moment a critical juncture emerged. This draws our attention to the significance of context on the institutional configuration created during a critical juncture. The institutional rules put in place at this formative moment can more or less constrain policy direction further downstream. The following section therefore uncovers the impact of institutional rules on the degree of discretion used to interpret, comply with, and enforce the government's policy. Significant policy change, however, requires actors reaching consensus upon, and consolidating around, new ideas (Donnelly and Hogan 2012: 331). The last section of the chapter explores the interaction of the institutional and ideational cycles of policy development. We do this by exploring the relationship between policy and political entrepreneurs. Policy entrepreneurs provide ideas that are then taken up or discarded by political entrepreneurs. In examining their relationship, we will compare the causal mechanisms driving the direction taken by the separate processes of drift, layering, displacement, and conversion that have shaped gradual policy change in both federations. It is the decisions of these agents of change that activate the

causal mechanisms linking ideas to institutional reform. We conclude by sketching a theory on the interaction of context, structure and agency in incremental processes of institutional change that may simultaneously occur in separate parts of a federation.

### *7.1 The Legal and Political Context of Multiculturalism*

The 1979 Pepin-Robarts Commission's report on Canadian unity, including its recommendations for a decentralized approach to multiculturalism, was almost immediately shelved. A year after its release, a majority of Quebecers voted "No" in the 1980 referendum on sovereignty-association. The national unity crisis had been given a moment of respite. Prime Minister Pierre E. Trudeau looked to capitalize on the nationalist movement's defeat and began campaigning for his proposed "People's Package" (Laforest 2015). The constitutional reforms it embodied were antithetical to the Pepin-Robarts Commission's recommendations. It involved unilaterally patriating the *Constitution Act*, 1867, from the UK Parliament, as well as enshrining a new amendment formula and *Charter of Rights and Freedoms*. After Trudeau and Attorney General Jean Chrétien failed to convince the Supreme Court of Canada it could unilaterally patriate and amend the Constitution through a resolution of the Parliament of the United Kingdom, the two federal leaders successfully gathered "substantial" provincial consent for the proposed amendments when 9 out of 10 Premiers gave their support in the late hours of November 4, 1981 (Girard 2015). Among the reasons that prompted Quebec's refusal to give its accord to the amendments was the Charter's severe intrusion into an exclusive provincial legislative power: civil rights<sup>124</sup>.

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<sup>124</sup> Property and civil rights are an exclusive legislative power of the provinces as set out in section 92(13) of the *Constitution Act* of 1867, and a tradition dating back to pre-confederation constitutional documents like the *Quebec Act* of 1774.

The 1960s triggered a civil rights revolution in many parts of the world and the Canadian and Australian federations were no different. Short of becoming constitutional law and limited to federal institutions and federally regulated sectors of the economy, the John Diefenbaker conservative government's 1960 Canadian *Bill of Rights* had been followed by human rights legislation in Ontario (1962), New Brunswick (1967), Prince Edward Island (1968), Nova Scotia (1969), Newfoundland (1970), Labrador (1971), Alberta (1972), British Columbia (1973), Quebec (1975), Saskatchewan (1979), and Manitoba (1987). Likewise, South Australia's *Prohibition of Discrimination Act* (1966) would later be emulated by the Commonwealth government's *Racial Discrimination Act* in 1975, and New South Wales' *Anti-Discrimination Act* of 1976. With time, all Australian States and Territories enacted anti-discrimination legislation. Often the protections guaranteed go further since States are not limited in their powers, whereas the federal law is bound to international treaty obligations (NSW 2016). Thus, civil rights have slowly built-up a significant degree of protection in accordance with the constitutional division of powers. Canadian provinces and Australian States have shown their ability and willingness to provide adequate civil rights protections to their citizens, while federal regulation remained restricted to its areas of jurisdiction.

The adoption of the *Charter of Rights and Freedoms* transformed this relationship in Canada. As the Constitution is the supreme law of Canada (s. 52(1)), the new Charter provisions superseded the provincial civil rights statutes. Indeed, the Charter provided for a list of constitutionally protected civil liberties, particularly those in sections 2 to 7, and 15. Most Premiers objected to this shift in the division of powers and its potential consequences on parliamentary supremacy, but ultimately conceded when the section 33 "notwithstanding clause" was added to the Charter proposal. This major constitutional reform was, however, simply inadmissible for Quebec given its distinct civil law tradition and French society. Furthermore, Quebec saw the

imposition of a constitution that failed to receive its consent as a betrayal of the province's collective right to determine its own destiny, and a denial of Canada's historic duality of a partnership between English and French peoples. Indigenous leaders were also outraged when they discovered that the provision dealing with Aboriginal and treaty rights had been left out of the Charter. This led to a vigorous campaign which succeeded in having the "existing aboriginal and treaty rights of the Aboriginal peoples of Canada" reinstated in Section 35(1) of the *Constitution Act* of 1982 (Reynolds 2018: 42). However, the meaning and scope of those rights were to be defined in subsequent conferences, which proved inconclusive. Ultimately, the meaning and scope of those rights have been primarily defined by Canadian court decisions, in parallel to performing the same function for the newly enshrined civil liberties. In short, concerns of a growing centralization and judicialization of civil rights once the Charter came into effect were becoming true.

There is no equivalent constitutional bill of rights in Australia. Similar to Canada's *Constitution Act* of 1867, the *Australian Constitution* of 1901 is "a compact between the people of the states, not a statement of the values and aspirations of a sovereign Australian 'people'" (Weiss 2013: 852). This is an important distinction for the subsequent direction of multiculturalism policy development in both federations. First, it means that Australian state parliamentarians have retained a prominent role in defining the scope and nature of civil rights, whereas courts have increasingly become the main vehicle through which the Charter's civil rights are defined in Canada. Second, the enshrinement of multiculturalism in Section 27 of the *Constitution Act* of 1982 made it a core normative feature of Canada's renewed national identity and the values and aspirations of its "people". As mentioned above and explained with more detail in chapter 2, this process of national identity renewal drew fierce resentment from Quebec. As such,

multiculturalism policy emerged out of the civil rights revolution simultaneously occurring in these two countries coming to terms with their shared history of colonization and discrimination towards racialized minorities. However, the policies would be embedded in rather distinct political and legal contexts, where Australian States were taking an increasingly active role in the protection of civil rights at a moment of unprecedented encroachment in the domain from Canadian federal institutions.

### *7.1.1 The Opening of a Critical Juncture*

The impetus for a Canadian statute on multiculturalism came soon after with the release of the *Equality Now!* Report of the House of Commons Special Committee on Visible Minorities in Canadian Society, in March 1984. The Report delivered a forthright critique of bureaucratic inefficiencies preventing the Federal government from living up to the standards set in its 1971 policy. It reads:

Although a separate minister is given responsibility for the multicultural portfolio, in the present structure officials of the Directorate must report through the Secretary of State senior management hierarchy. The official responsible for the implementation of the federal government's entire multicultural policy is therefore confined to a low-level management position, with limited access to the Minister or senior officials, while the deputy minister, who reports directly to the Minister responsible for multiculturalism, also reports directly to the Secretary of State. This results in the nearly impossible task of wearing two hats and reporting to two ministers. This is a confusing, inefficient and administratively awkward situation (Canada 1984: 54).

The Report called on the Federal government to immediately introduce multiculturalism legislation to create a stand-alone Ministry of Multiculturalism in order to rectify the aforementioned “numerous administrative difficulties” (*ibid.*: 55). The Ministry would be required to report annually to a Standing Committee on Multiculturalism. It also demanded a reform of the Canadian Multicultural Council to upgrade its limited consultative functions into a more assertive mandate similar to that of the Advisory Council on the Status of Women (*ibid.*: 57). On June 21, 1984, the Trudeau Liberal government introduced Bill C-48, the *Multicultural Act*, but the bill died on the Order of Paper when a federal election was called (Canada 1993: 6). Multiculturalism, thereby, became a campaign issue with both the Liberal and PC parties promising to deliver legislation (Uberoi 2016: 7). The Standing Committee on Multiculturalism was set-up a year later, in June 1985, by newly elected Brian Mulroney PC government. The Standing Committee lead the review of the government’s multiculturalism policy and consultations on the promised statute (Canada 1986: 15). As a result, the political context leading up to the adoption of the *Canadian Multiculturalism Act* (CMA) in July 1988 was marked by growing bipartisan support and organized advocacy during consultations for the Special Committee on Visible Minorities and Standing Committee on Multiculturalism. The passage of the CMA marked the opening of a critical juncture for multiculturalism policy development in Canada as advocates began to redirect some of the pressure towards their provincial representatives to enact similar legislation.

The pace of multiculturalism policy change in Australia offers a largely different pattern. For every major legislative reform in the process of building the institutions that would eventually support the ideals of multiculturalism in Australia, State governments lead the way. This began with the establishment of the Ethnic Affairs Commission of New South Wales in April 1979 following the release of its *Participation Report*. Parallel developments were occurring in

Canberra as Malcolm Fraser's Liberal government established the Australian Institute of Multicultural Affairs (AIMA) in November 1979 after the release of the Galbally Report. Similar to the Canadian experience, debates over multiculturalism intensified throughout the decade of the 1980s as the Hawke Labor government replaced the Fraser Liberal government and launched a review of AIMA. In the meantime, three more State Ethnic Affairs Commissions appeared in South Australia (1980), Victoria (1982), and Western Australia (1983). The review of AIMA was then discussed at a Conference of Commonwealth and State Ministers for Immigration and Ethnic Affairs in April 1984 (Australia 1984: 2). Cabinet discussions revealed a consensus around promoting multiculturalism in a way that is "impartial and free of political influence"<sup>125</sup> (*ibid.*: 3). Despite Cabinet agreeing on retaining AIMA with "updated statutory objects and functions" (*ibid.*: 7), the 1986 budget announced cuts that ultimately sealed the fate of the Institute, repealed and replaced in 1986 by the Office of Multicultural Affairs. Hawke promised a Green Paper on immigration policy during the 1987 election, which resulted in an inquiry chaired by Dr Stephen FitzGerald. Efforts to foster consensus and shelter multiculturalism from partisan attacks were severely compromised by the release of the FitzGerald Report on immigration policy the following year. The Report recommended that multiculturalism be de-emphasised and the Liberal Opposition, under new leader John Howard, pounced on the opportunity to present an alternative "One Australia" policy (Birrell and Betts 1988: 274). This was a turning point for multiculturalism in Australia. The FitzGerald Report and Liberal Party response put forward the idea that multiculturalism was a policy of "special interests" reserved to "ethnic minorities", rather than a collective societal commitment to institutional and normative change. Amidst insistent criticism from historian Geoffrey Blainey and Liberal leader John Howard, the Commonwealth Government

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<sup>125</sup> This feeling stemmed in part from the fact that the Director of AIMA, Petro Georgiou, had been appointed by Malcolm Fraser and maintained close connections to senior officials within the Liberal Party.



failed to enact legislation in accompaniment to its National Agenda for a Multicultural Australia in 1989, despite having received Cabinet's approval for a follow-up statute (Australia 1989: 7). This marked the opening of a critical juncture in Australian multiculturalism policy development, where State officials were equally drawn into the debate and expected to respond.

Critical junctures are periods, not events, of struggle over alternative policies (Bengtsson and Ruonavaara 2017: 51). The discussion above highlights the *opening* sequence to a period of institutional change of intermittent intensity strung out over several years. During the opening phase, actors placed in a position of authority face the possibility of making a choice that can open a new path of institutional development. Confronted with multiple options, the path taken creates a legacy that often becomes progressively harder to overturn or retract. This is precisely why the decisive causal role of contingency and agency at this historical juncture is viewed as critical (*ibid.*). The next sections will reconstruct the context of the critical juncture in the constituent units of Australia and Canada, the key decision makers and the choices available to them. This means uncovering moments of significant contention over policy reforms that were either partially or fully executed or avoided altogether. For significant change is not a necessary feature of critical junctures. Rather, what defines a critical juncture is the fact that change is considered and sought, even if it fails to materialize (Capoccia 2015: 165). In fact, comparing these “near-miss” cases are equally informative as those of partial or complete institutional transformation. This allows the analyst to single-out the contextual, structural, and agency-based factors that made a difference and understand their respective consequence on the separate processes of institutional change. Before turning our attention to the structural and agency-based components, let us examine some of the important contextual elements specific to our four case studies and how these relate to broader reforms affecting multiculturalism policy development in both federations.

### *7.1.2 Contention Over Reforms*

The opening of a critical juncture after the adoption of the CMA is made evident by the reaction it triggered across Canada. In the decade that followed, Nova Scotia (1989), Alberta (1990), Manitoba (1991), British Columbia (1993), and Saskatchewan (1997) adopted multiculturalism legislation. This is the period with the highest intensity of debate and policy change over multiculturalism in Canada. Moreover, support crossed the left-right axis of party ideology in both orders of government, given that the PC claimed responsibility for the Canadian, Nova Scotian, Albertan and Manitoban statutes, whereas the NDP governed in BC and Saskatchewan when its legislation was pronounced. Legislative support was, however, mainly concentrated in Canada's Western provinces, which concurs with the Pepin-Robarts Commission's arguments on the relationship between cultural pluralism and regionalism in Canada. It argued that given the uneven historical and geographic distribution of diversity in Canadian society, ethnocultural associations have played a much more prominent role in the development of certain provinces and communities than others (Canada 1979: 55). Indeed, Western provinces had been increasingly supportive ever since ethnocultural associations of the Prairies lobbied intensively for multiculturalism throughout the Royal Commission on Bilingualism and Biculturalism. More than partisanship, regionalism appears to have been critical to the formation of provincial multicultural institutions in Canada.

The legislative reaction to the National Agenda for a Multicultural Australia was not as intense, but was meaningful, nonetheless. South Australia had been advocating for a Federal statute and quickly responded with new legislative measures. It amended the SAMEAC Act in 1989 to "define and broaden the scope of multiculturalism as public policy" (SAMEAC 1989: 35). Multiculturalism was thereby written into law for the first time in Australia. Other States appeared more reluctant. In the wake for the FitzGerald Report, multiculturalism had become the subject of

“confusion and unfounded fears” (SAMEAC 1988: 1). It took some time for Victoria and New South Wales (NSW) to bring minor revisions to their *Ethnic Affairs Commission Act*, in 1993 and 1996 respectively, though neither showed any sort of firm commitment to multiculturalism. The most serious concern in the aftermath of the FitzGerald Report was not its effects on multiculturalism policy, but on race relations in Australia. The extensive media coverage gave public expression to misconceived and inflammatory views, like those of the national president of the RSL, Brigadier Alf Garland, who alleged that “Australia needs multiculturalism like it needs a hole in the head” (Australia 1991: 174). Thus, while the NSW government may have sidelined multicultural legislation, it adopted legislative measures to quell growing racial tensions in the community by amending its *Anti-Discrimination Act*, in 1989, to outlaw racial vilification. Two years later the National Inquiry on Racist Violence would lay bare the problem of a growing threat of violence against racialized minorities, which had been escalating amidst the immigration debates of the mid to late 1980s (*ibid.*: 6). Provisions to outlaw racial vilification were later introduced to the federal *Racial Discrimination Act* in 1995, and South Australia’s *Racial Vilification Act* in 1996.

Similar tensions were becoming a major concern for public authorities in Canada. Escalating violent confrontations in the Halifax area along with revelations of systemic racism against Black and Indigenous Nova Scotians in the Marshall Commission’s final report in December 1989 eventually lead to the creation of a NSAGRR two years later. Meanwhile, in the follow-up to the *Equality Now!* report, the NAJP lobbied and undertook negotiations with federal Cabinet Ministers, including the Secretary of State responsible for Canada’s multiculturalism policy, on redress settlements for their forced internment and displacement during the Second World War. Their efforts culminated in an official apology in 1988, symbolic compensation

payments, and the creation of the Canadian Race Relations Foundation to commemorate the wartime injustice (Canada 2018b). Then came before the Supreme Court of Canada three high profile cases involving accusations of hate propaganda in the 1990 *Keegstra*, *Andrews*, and *Taylor* affairs. Thus, this historical juncture proved critical for the development of multiculturalism within a context of anti-racism campaigns demanding Canadian and Australian policy makers to reform institutions to confront prejudice and overcome systemic forms of disadvantage and exclusion.

Against this backdrop of searching for ways to prohibit hateful expressions and de-escalate racial tensions, both countries were experiencing profound changes to the demographic profile of their societies through rising levels of immigration. These changes were accelerated by the introduction of temporary visa categories in the mid 1990s. However, the benefits and challenges of immigration were felt very unevenly by the constituent units of the two federations. The four cases studied in the previous chapters highlight these contrasting realities. New South Wales and British Columbia exemplify this accelerated transformation of societies through population increase. Sydney and Vancouver have grown into large metropolitan centres with dense connections to Asian markets and a foreign-born population outpacing the national average. Nova Scotia and South Australia embody the opposite trend of an ageing population whose declining birthrate and rural exodus is matched with the difficult task of attracting and retaining newcomers. As a result, the dissertation investigates three parallel policy dimensions that correspond to a socio-political context in flux during this critical juncture. First, a political context conducive to policy change brought along by highly publicized reports and legislative reforms unfolding in other jurisdictions and related areas of civil rights. Second, a social context of civil unrest and demands for measures to combat racial prejudice and systemic discrimination. Third, a rapid rise in immigration that is unevenly distributed and outpacing upgrades to settlement services. Having

examined the roots of this critical juncture, we turn to the specific changes brought to the institutional rules governing Federal as well as Provincial and State multiculturalism policies in Australia and Canada. In doing so, we show how and why the institutions put in place to monitor, report, and ensure legislative compliance played a central role in the process of gradual policy change.

### *7.2 Reforming Institutional Rules*

Policies stipulate a set of rules that assign normatively backed rights and responsibilities to members of the polity and provide for their enforcement. For policies are institutions in the sense that they constitute rules for actors other than for the policymakers themselves; these institutional rules need to be implemented and are legitimized when agents enforce them on behalf of society as a whole (Streek and Thelen 2005: 12). Any sort of gap between rules and their enforcement will hint towards opportunities for strategic action that is an important feature of incremental modes of policy change (*ibid.*: 13). Institutional rules therefore structure agency in how they distribute authority, establish accountability protocols and provide settings for citizens to engage in the policy-making process. In this case we are looking at how multicultural legislation sets out ministerial responsibility, compliance and review obligations, as well as institutions whose mandate involves consulting people in the community and then advising the Minister. This is where we actually find one of the most significant differences between multicultural legislation in the two federations' constituent units. State legislation in Australia establishes, first and foremost, the institutional framework that will provide services, consult community members and report concerns to and advise the Minister responsible for the portfolio. This was the purpose of the legislative statutes that gave rise to Ethnic Affairs Commissions in the 1970s and 1980s, which

were later reformed to implement the State's policy of multiculturalism from the 1990s onwards. Provincial legislation appeared in Canada in the late 1980s to early 1990s and carried a more symbolic role of proclaiming certain values and principles into law, rather than actually giving a detailed mandate and allocating resources to new institutions. This leads us to examine the nature and scope of the reforms brought to the institutional rules of the Commissions in Australia and how these contrast with the (lack of) reforms in Canadian provinces.

During the tense debates of the contention phase, the term "ethnic" increasingly took a pejorative connotation in Australia. When ascribed to people of non-Indigenous or Anglo-Celtic heritage, it implied a status as "not fully" Australian. When speaking of the actual activities of the Ethnic Affairs Commission, grants became synonymous with a form of clientelism towards "ethnic" constituents, while access and equity measures were a form of "special treatment". In short, the Commissions had an image problem crafted by pundits, politicians, and academics uncomfortable with the speed and shape of changes occurring in Australian politics and society. One elected official in particular personified this backlash. Pauline Hanson's entry into Parliament in 1996 brought along a new brand of anti-establishment populist rhetoric for whom multiculturalism was a central target of criticism. Her divisive attacks were, in a way, vindicated by the conservative government of PM John Howard's cutbacks to multicultural programs and services. However, Howard's tenure in office marked another policy shift that would have an unprecedented contribution to the demographic reality of multiculturalism in Australia. In the twenty years that followed Howard becoming PM in 1996, the temporary skilled-migration streams increased from 37 to 67 percent of Australia's overall immigration intake (Watts 2019: 16), and the country's population increased by 20 percent (*ibid.*: 19). Even though Howard had been highly critical of Asian immigration while Leader of the Official Opposition in the late 1980s,

his reforms made the share of permanent residents immigrating from Asia increase from 38 percent in 1996 to 56 in 2016 (*ibid.*). This is why Labour MP Tim Watts has called John Howard the “unlikely reformer” of Australian multiculturalism, since his immigration policies have brought the country further away from the White Australia policy than ever before (Watts 2019).

On that account, during this phase of reform State governments were confronted with an unanticipated paradox. On the one hand, you had a Commonwealth government who made little to no effort of dispelling the claims of Hanson while simultaneously abolishing the Office of Multicultural Affairs and introducing a controversial program of mandatory detention for irregular migrants seeking asylum. Combined, this would embolden anti-immigrant pockets of Australian society. On the other hand, you had a Commonwealth government eager to significantly increase Australia’s immigration intake. This put States in an uncomfortable position. They had very little say over the immigrant selection process yet were on the front lines of dealing with settlement concerns and managing community relations born out of a deepening cultural diversity.

Sydney, NSW, was the epicentre of this rapid demographic change and debates over its perceived benefits to society. Upon being sworn into power in March 1995, NSW Premier Bob Carr named himself Minister for Ethnic Affairs and announced that the Ethnic Affairs Commission (EAC) would be restructured as a Community Relations Commission by the turn of the century (EAC 1999: 2). In the meantime, the EAC held public consultations and accepted submissions on the proposed reforms outlined in a White Paper called *Building on our Cultural Diversity*. The EAC Act was amended in 1997 to require all government agencies to prepare an annual Ethnic Affairs Priorities Statement, followed by an annual report to Parliament submitted by the Minister on the status of ethnic affairs (EAC 1997: 19-20). After Labor was returned to power with a majority in the March 1999 election, Carr held on to the Ethnic Affairs portfolio but changed its

name to Citizenship and went ahead with the *Community Relations Commission and Principles of Multiculturalism Act* in 2000. The Act enshrined the principles of multiculturalism as the policy of the State. In a context of growing temporary immigration, the core idea of the policy is a form of multicultural citizenship “not limited to formal Australian citizenship” but referring instead to the “rights and responsibilities of all people in a multicultural society” (NSW 2000: art. 3(2)). But the significance of the reform does not only lay in the symbolic affirmation of the values and aspirations of the polity. Building off the institutional design of the EAC, it was the statute’s allocation of resources and responsibilities that made it a standout. The Act established the Commission as a statutory body representing the Crown (*ibid.*: art. 6(2)) with a full-time Chairperson and CEO (*ibid.*: art. 8(1)(2)), Regional Advisory Councils to ensure State-wide representation (*ibid.*: art. 10), mandatory annual reporting (*ibid.*: art. 14), and a parliamentary review of the Act five years from the date of its assent (*ibid.*: art. 27). Indeed, this last provision resulted in the review conducted by the former Federal Race Discrimination Commissioner, Irene Moss, in 2006. The feedback it received from community members and organizations alike eventually lead to an amendment bill in 2010, and the *Multicultural NSW Act* four years later. With these reforms, the government had completed the gradual displacement of an unpopular institution, the EAC, with one that aligns better with the needs and desires expressed by the people of NSW. In sum, the legislation’s provisions established robust compliance, accountability and transparency standards, thereby reducing the Minister’s discretionary power over the interpretation and enforcement of institutional rules, even though responsibility for the portfolio belonged to the most senior member of Cabinet, the Premier of NSW.

These standards for review, reporting and consultation are considerably more demanding than those put in place by the *Canadian Multiculturalism Act*, for the CMA fell short of upgrading



the functions of the Canadian Multicultural Council (CMC) from a consultative to an advisory role. Additionally, the Mulroney PC government waited another two years to present Bill C-18, *The Department of Multiculturalism and Citizenship Act*. Adopted in May 1991, the Bill came in response to the *Building the Canadian Mosaic* report of the House of Commons Standing Committee on Multiculturalism, which called for the appointment of a Multiculturalism Commissioner in addition to the new full-time Minister (Canada 1990: 1807). Much like the *Equality Now!* recommendations for an Advisory Council, the call for a Commissioner was ignored. Thus, at this critical moment of institutional formation, the decision was taken to leave the actions of the Federal Minister responsible for multiculturalism unencumbered by any sort of rigorous independent review mechanism, and the CMC eventually disbanded sometime around 1994. This coincided with the transfer of the multiculturalism portfolio to the Department of Canadian Heritage following the Program Review of Jean Chrétien's newly elected Liberal government. Evidently, the experience of the stand-alone department had been short-lived. Over the years, the number of public servants working directly on initiatives connected to the CMA have steadily declined as the Multicultural Directorate's funding has diminished and the cabinet no longer includes a minister of multiculturalism (Eisenberg 2019: 70). Although some infrastructure remains intact and the Federal government has consistently met its obligation to file an annual report, the public profile, the resources committed and the political resolve of the Canadian government to advance the ideals of multiculturalism have clearly diminished (*ibid.*). The result is a multiculturalism policy with a strong legal foundation, given the statute and constitutional status, but a weakened administrative capacity to plan, monitor and adapt programs and services to a constantly changing socio-political context.

Similarly, multiculturalism has seldom appeared in the title of provincial cabinet ministers or government department names. For instance, the Department of Multiculturalism and Immigration briefly existed in British Columbia (2000-01) before the NDP's resounding defeat in the 2001 elections. Manitoba's NDP government also held a Department of Immigration and Multiculturalism for a brief period (2012-14) before a cabinet shuffle merged multiculturalism with literacy (2014-16). As we can see from the table in Appendix 4, multiculturalism is generally assigned to a junior minister who occupies several functions. This has not been the case in Australia, as Appendix 5 indicates, where the Ethnic or Multicultural Affairs portfolio has often been the responsibility of senior cabinet members, particularly in States with a robust policy structure like Victoria and NSW. Rather, the only senior cabinet member to have been responsible for multiculturalism in Canada is the Attorney General of BC during two crucial periods (1996-99 and 2005-08), when the province redirected its policy towards new aims without amending its legislative statute as explained in chapter 6. For that matter, British Columbia's *Multiculturalism Act* also stands out for being the only statute in Canada that formally sets out the structure and role of its Advisory Council and requires all government ministries and Crown corporations to report annually on their commitments to advancing the Act's objectives. BC's Multicultural Advisory Council (MAC) has been invaluable to the province's compliance with the Act and continued adaptation of its policy, for the multiculturalism policy enshrined in the province's statute is rather vague. Such ambiguity can provide ample room for manoeuvre and discretion to the Minister responsible for the administration of the Act. However, subjecting this administration to the independent review and non-partisan advice of the MAC helps ensure a certain degree of continuity of services throughout election cycles and maintaining links to community organizations to address concerns as they emerge.

The absence of institutional rules of compliance or independent oversight has directly undermined Nova Scotia's multiculturalism policy. The contention phase in Nova Scotia was particularly acute. The report of the Royal Commission on the Donald Marshall Jr. Prosecution, released in December 1989, opened a critical juncture by giving credence to claims of long-standing racial discrimination. The frustration of Black Nova Scotians continued to mount until it culminated into a collective burst of anger, with rioting and protest across the province in the Summer of 1991. All three orders of government – municipal, provincial, and federal – were called upon to tackle the issue and so formed an *ad hoc* Advisory Group on Race Relations lead by civil rights advocates from Nova Scotia's Black community. Among the 94 recommendations issued in their report some called for specific reforms to the NS *Multiculturalism Act*. Most notably, it included amending Section 3 of the Act to introduce anti-racism provisions (NSAGR 1991: par. 7(a)) and Section 6 to require an annual report to the Provincial Legislature on the implementation of the Act (*ibid.*: 7(d)), as well as revising the role of the Multiculturalism Advisory Committee for it to have a more independent and permanent structure (*ibid.*: par. 8). In the end, none of these changes were made. Years later, MLAs commented on the lack of noticeable progress and the policy's low public profile (Nova Scotia 2003: 27). The government responded with more promises of reform (*ibid.*: 136; Nova Scotia 2016: 3) that would be left unfulfilled. The major impediment to the province updating its multiculturalism policy is indeed how advisory functions and service delivery was delegated to a non-government organization under no obligation to report annually on its activities, nor file financial statements of its accounts. By the time the Multicultural Association of Nova Scotia fell into financial ruin (CBC 2017), the province's multiculturalism policy had already drifted into obsolescence.

Institutional rules that foster compliance and provide independent oversight are not, however, a guarantee for adapting policies to changing circumstances. More than binding rules or major events, significant reforms are carried out by actors placed in a position of authority that can rally support for transformative ideas. For a while, South Australia built a proud reputation as a leading advocate of civil rights and social reform. It was South Australia's former Premier, Don Dunstan, who led the movement to remove Labor's commitment to the White Australia policy (Blewett 2012: 107). Dunstan was outspoken and clashed often with Labor Prime Minister Gough Whitlam's penchant for "uniform solutions across the country, irrespective of state differences", which were often tied to conditional Commonwealth grants (*ibid.*: 107). His ideas of non-discrimination and respect for cultural difference made him an early and articulate exponent of the policy that would come to be called multiculturalism (*ibid.*: 112). Despite representing a roughly 6 percent share of the national population and economy – compared to New South Wales 32 percent share – South Australia's Dunstan was hailed as one of the most significant social reformers in the country's history (Advertiser 1999). Yet despite this legacy, "Dunstanism" did not live on after the maverick's exit from public life. His successor, John Bannon's "cautious, moderate, unadventurous" approach (Blewett 2012: 116) may have awarded him three consecutive terms as Premier of SA (1982-1992), his civil rights and social policy reforms were much more modest. It was during this time that the last noteworthy reform of South Australia's Multicultural and Ethnic Affairs Commission (SAMEAC) took place at the opening of the critical juncture in 1989. The relatively uneventful period that followed has not gone unnoticed by State leaders and policy makers. In April 2019, SA's government launched a legislative review of the SAMEAC

Act.<sup>126</sup> Thus, after thirty years with no major reforms to the Act (South Australia 2019: 4) and only occasional minor modifications – a process we define as policy layering in chapter 3 – Liberal Premier Steven Marshall now wishes to “expand the scope of the existing legislation to enshrine multicultural policy directions” (*ibid.*: 3).<sup>127</sup> Admittedly, the SAMEAC has consistently complied with the Act in submitting annual reports, informing the Minister of past activities and advising on future policy options derived from community consultations. Moreover, in each case where a constituent unit made plans for reform and was able to execute on them, it was generally following the advice of its Commission or Advisory Council with community input facilitated by this same agency. But it does not have the power to trigger reforms. The idea of and political drive for institutional reforms come from actors placed in a position of authority, like Don Dunstan. This leads us to examine the relationship between policy and political entrepreneurs and the determinant role this relationship has on the separate mechanisms driving gradual institutional change in our four case studies.

### *7.3 Mechanisms and Change Agents*

Policy change depends on actors reaching consensus upon, and consolidating around, new ideas (Donnelly and Hogan 2012: 344). New ideas do not emerge spontaneously or become self-evident. They are given meaning and visibility by actors in the pursuit of specific goals. It is therefore important to situate these actors and theorize their role in any account of institutional change (Bakir and Jarvis 2017: 471). Actors situate themselves either on the ideational or institutional front of

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<sup>126</sup> The Department of the Premier and Cabinet’s office of Multicultural Affairs circulated a discussion paper and research paper to inform the public of the legislative review prior to holding community consultations and receiving written submissions until June 2019.

<sup>127</sup> In a sign of the Premier’s commitment to the legislative reform, the budget allocated to Multicultural Affairs has been increased from \$4,85 to \$5,56 million for the financial year (South Australia 2019: 80).

policy change, and it is the interaction between these two influential sets of actors with separate roles at a moment of uncertainty about policy direction (Jenson and Paquet 2018: 187) that we look to explain in this final part of our analysis. The distinction is not always clear cut as the ideational and institutional fronts often overlap and some actors straddle both spheres.

Nevertheless, we theorize this distinction through the use of two conceptual categories of actors: policy entrepreneurs and political entrepreneurs. *Policy* entrepreneurship is the act of *selling* policies to decision makers (Copeland and James 2014: 4), for critical junctures do not by themselves induce policy change. Rather, policy entrepreneurs must exploit the opportunities created by these moments of contention. On the flip side, no entrepreneur can cause policy reform on their own. There is an important element of contingency that critical junctures provide, which is why “policy entrepreneurship is a context-specific activity” (Bakir and Jarvis 2017: 465). Policy entrepreneurs occupy a range of backgrounds and professions, from civil servants to academics and interest groups. Whatever the case may be, they share a common aspiration of engaging in policy innovation by challenging existing paradigms and vying for the attention of politicians to translate their ideas into policy (Donnelly and Hogan 2012: 331). Thus, as change agents, policy entrepreneurs are essential in generating and advocating new policy ideas to update, redirect or replace existing institutions.

*Political* entrepreneurship is the act of *selecting* policies by decision-makers (Copeland and James 2014: 4). Political entrepreneurs are elected officials who invest time or other resources to coordinate the provision of public goods (Bakir and Jarvis 2017: 466). In other words, they are the bridge between those advocating new policy ideas and the political institutions implementing them (Donnelly and Hogan 2012: 331). This mediating position is what makes political entrepreneurs the central driving force that activates causal mechanisms. For causal mechanisms

are the links between the inputs of independent variables (i.e. critical junctures, institutional rules, and policy entrepreneurs) and outcomes of the dependent variables (i.e. multiculturalism policies). Mechanisms are relational and contextual in how they tell us how things happen, how actors relate and come to believe what they do, how policies and institutions endure or change and produce separate outcomes (Falleti and Lynch 2009: 1146-7). Political entrepreneurs reach their objectives by consolidating ideas into political or social change that has enduring effects in the form of programs, policies or institutions (Donnelly and Hogan 2012: 331). In sum, the uptake of new ideas depends on their promotion and adoption by change agents placed in a position of authority.

The entrepreneurship of change agents is not only embedded in a context more or less conducive to change, but also “conditioned by the very institutions they wish to change” (Bakir and Jarvis 2017: 475). As a result, change agents become “the intervening step through which the character of institutional rules and political context do their causal work” (Mahoney and Thelen 2010: 28). We associate the relationship between these two sets of change agents with a particular mode of institutional change and causal mechanism. Their relationship and the mechanism it activates is shaped by the political context and the types of constraints institutional rules place on agency. Based on the theoretical work of Mahoney and Thelen (2010), the table below presents the structural parameters of each of the four modes of incremental change studied.

**Table 7.1 Modes of Gradual Policy Change<sup>128</sup>**

| <b>Structure</b>            | <b>Drift</b> | <b>Layering</b> | <b>Displacement</b> | <b>Conversion</b> |
|-----------------------------|--------------|-----------------|---------------------|-------------------|
| Removal of old rules        | No           | No              | Yes                 | No                |
| Neglect of old rules        | Yes          | No              | No                  | No                |
| Changed impact of old rules | Yes          | No              | No                  | Yes               |
| Introduction of new rules   | No           | Yes             | Yes                 | No                |
| Discretionary power         | High         | Low             | Low                 | High              |

<sup>128</sup> Based on Mahoney and Thelen (2010: 16)

In accordance with the empirical observations presented in the previous section, the structural parameters of multiculturalism policy in the two Canadian provinces are characterized by a high degree of discretion. In both British Columbia and Nova Scotia, a broadly defined statutory multiculturalism policy has been left untouched through the years, allowing government officials to strategically interpret the meaning of the policy and their responsibilities towards it. By contrast, the gradual process of introducing new rules in the two Australian States we studied results in a reduced capacity to interpret and enforce their multiculturalism policy with discretion. The degree of discretionary power affects how changes are introduced and why a policy consolidates through separate mechanisms, for ideas that become policy may mutate or misrepresent an initial intent once applied in practice (Oborn et al. 2011: 341). The question becomes to what extent do institutional rules allow discretionary interpretation and are entrepreneurs willing to revise plans throughout the policy's implementation.

This political will, irrespective of institutional rules and degrees of discretionary power, is where context and agency meet to activate the separate causal mechanisms. South Australian officials may have been constrained by well-defined institutional rules, but that did not prevent them from enacting reforms. While there may not have been significant reforms in the last thirty years, the decade before that (1979-89) did witness a partial renewal of "Dunstanism" with reforms to the SAMEAC and Equal Opportunity, despite Premier John Bannon's rather prudent political acumen. As we saw in the first section of this chapter, the decade of the 1980s witnessed the first intense public debates over the merits of multiculturalism policy and SA responded by strengthening its institutions. This ability to break through the context of "confusion and unfounded fears" (SAMEAC 1988: 1) and translate new ideas into policy was made possible by



the relationship that developed during that decade between a *policy* entrepreneur, Jerzy Smolicz of the SAMEAC, and a *political* entrepreneur, Christopher Sumner, SA's Attorney General and Minister of Ethnic Affairs from 1982 to 1989. Smolicz chaired the Task Force on Multiculturalism in Education and 1983 Review of the Commission, while Sumner introduced amendments to the SAMEAC Act in 1984 and gained Treasury's support for a 30% budget increase to Ethnic Affairs (SAMEAC 1985: 7). Their collaboration led to elevate the status of Ethnic Affairs into a stand-alone government department in 1989 along with amendments to the SAMEAC Act that made multiculturalism an official public policy (SAMEAC 1990: 8). Smolicz' term at the SAMEAC expired shortly after the November 1989 election that saw Sumner leave the Ethnic Affairs portfolio. When public debate intensified once more during the following decade, the South Australian government appeared unable to reproduce this convergence of policy and political entrepreneurship. As a result, the institutions overseeing multiculturalism policy in the State have since remained largely dependent of the path taken during the formative Sumner-Smolicz era. In short, the end of their working relationship marked the unintended activation of the mechanism of path dependency. The institutions continued to implement the State's multiculturalism policy but struggled to bring meaningful reforms when new ideas and problems emerged. The success of Premier Steven Marshall's latest reform attempt may very well rest on his government's ability to find and collaborate with a group of policy entrepreneurs.

Failure to consolidate this type of collaboration is what ultimately activated the mechanism of deliberate neglect over Nova Scotia's multiculturalism policy. The premise of policy change is that a broad range of actors perceive an extant paradigm as inadequate (contention) and in response coalesce (consolidation) in support of an alternative idea (Donnelly and Hogan 2012: 329). The Report of the NSAGRR was a significant act of policy entrepreneurship. The Advisory Group was

formed “as a result of direct intervention” by Canada’s Minister of Multiculturalism and Citizenship in a context of “continuing racial tensions in Nova Scotia which are the result of years of discrimination against Blacks” (Canada 1991: 1). The inadequacy of Nova Scotia’s multiculturalism policy to respond to this untenable situation was made abundantly clear by the Report. Here was a prime opportunity for the Minister responsible for multiculturalism in Nova Scotia to reach out to the authors of the Report and collaborate on reforms that would incorporate some of the changes demanded, particularly with regards to anti-racism. Instead, Minister Donahoe reached out to the Federal Minister of Multiculturalism, Gerry Weiner, for assistance in covering the costs of his province’s “many multicultural needs” and “many interesting ideas” (Donahoe 1992). Weiner turned down the vague request once it became clear Donahoe had not taken any steps to bring changes to Nova Scotia’s multiculturalism policy that reflected the recommendations of the Advisory Group’s Report. The election of Premier John Savage in 1993, tipped as the long-awaited progressively minded reformer, instead resulted in major reforms to the public administration, including severe budget cuts to clear the province’s large deficit, while avoiding any changes to its multiculturalism policy. This critical juncture, a moment of uncertainty, expressed dissatisfaction, and circulation of ideas, is marked by the absence of a *political* entrepreneur able to seize this opportunity and work in collaboration with the *policy* entrepreneurship of the NSAGRR. Their ideas were swept aside and the policy grew out of touch with its socio-political context, thereby activating the mechanism of deliberate neglect that resulted in a process of policy drift.

One constituent unit where this convergence between policy and political entrepreneurship accomplished significant policy change was in New South Wales. Indeed, among the several change agents we came across in our four case studies, the most active and impactful policy

entrepreneur was Stepan Kerkyasharian, who was sworn in as Chairman of the Ethnic Affairs Commission of NSW in 1989. His appointment was timely and opportune. The Commonwealth government had just rescinded its funding to language services, despite the need for these services in NSW as 40% of the State's population was of non-English speaking background (EAC 1989: 13). In addition, Australia had reached the bicentennial of European colonization in 1988 and the FitzGerald Report on immigration policy came out in 1989, together triggering an impassioned debate on the nation's identity and approach to multiculturalism. In this socio-political context where hostile attitudes towards immigrants and racialized minorities were becoming increasingly apparent, the EAC of NSW had a three-pronged approach. First, it unveiled a new corporate plan in which "the achievement of a multicultural society free of racial prejudice and discrimination" was its main objective (*ibid.*: 16). Second, the EAC organized seminars on the NSW government's Racial Vilification Bill (*ibid.*: 19), which, in 1989, became the first Australian law to prohibit racial vilification. Third, the Commission lodged a scathing response to the Committee that produced the FitzGerald report, and called for the Commonwealth Government to improve the provision of English language classes and recognition of overseas skills and qualifications (*ibid.*: 24). The next year, Kerkyasharian lead a "major restructure" of the Commission (EAC 1990: 1) and lobbied successfully for its financial independence from the Premier's Department (*ibid.*: 11). Despite its proactive public engagement programs and regular reviews of the Commission's corporate plan, the piecemeal changes did not amount to significant reforms of the EAC's legislative statute. This all changed after the 1995 State election and gradual emergence of a political entrepreneur able to match Kerkyasharian's drive for institutional change.

From his teenage years, Bob Carr had his sights on Federal politics. Having reluctantly taken a State seat after having been frustrated in his quest to receive the ALP's nomination in a

Federal riding, Carr eventually reconciled himself to being a State Premier instead by recasting the office in a way that it could have a wider political, intellectual and cultural contribution to national and international arenas (Smith 2006: 479). Indeed, the transformation of Sydney into a large, diverse, and internationally known city during Carr's tenure in State politics "dramatically reduced the gap between the political and cultural opportunities afforded a Premier of New South Wales and those of a Federal Minister" (*ibid.*: 497). It also quickly became apparent that Carr was going to be "a key person in terms of ideas formulation" according to the former President of the NSW Labor Party, John Ducker (*ibid.*: 490). For that matter Carr had long held concerns about the effects of population growth on Australia's unique ecosystems (*ibid.*: 484). He also felt that diversity added strain to the provision of public services in NSW, and that Sydney was bearing the brunt of Federal immigration policies coupled with inadequate Commonwealth funding (Kingston 2006: 244). Additionally, his maiden speech to Parliament on November 23, 1983, focused on police corruption thereby "revealing an interest in law and order issues that stayed with him throughout his career" (Smith 2006: 483). This was the case in the early 2000s, for instance, when his tough on crime laws and rhetorical references to "ethnic gangs" drew the ire of civil liberty groups and ethnocultural community activists. Thus, Carr and Kerkyasharian were not necessarily inclined to see eye to eye on matters relating to immigration and cultural diversity. However, neither directly criticized the other and in fact benefited mutually from their work. Kerkyasharian had a dense network of community contacts to organize public consultations, had the autonomy to develop policy proposals, and capacity to de-escalate community tensions that could otherwise tarnish the State's reputation and attractiveness to eventual newcomers and foreign investors. Carr, on the other hand, ruled over Cabinet meetings and "used his authority to steamroll policy measures

through Caucus” and with a Labor Speaker managed to effectively maintain his dominance over the Legislative Assembly (*ibid.*: 490).

The combination of those respective qualities activated the mechanism of defection upon the Carr Labor government’s re-election to a larger majority in March 1999. Soon after, in June 1999, the EAC of NSW circulated more than 4,000 copies of a consultation document leading to a Community Relations Commission called *The Way Forward*. Throughout the public consultations, the proposed reforms received widespread support, particularly the idea of removing the term “ethnic” from its title that was increasingly perceived as derogatory (NSW 2000: 5431). However, the absence of any reference to multiculturalism in the proposed Bill drew most of the criticism. For instance, professor Andrew Jakubowicz argued the exclusion of the term “multicultural” from the title of the Commission “erodes the potency of the commitment, as does the refusal even to legislate for a sub-title such as ‘for a Multicultural NSW’” (*ibid.*: 25). The Bill was subsequently amended, and the *Community Relations and Principles of Multiculturalism Act* was assented to on November 9, 2000. As a result of policy entrepreneurship significant policy change was achieved by generating and advocating new ideas to replace an extant paradigm. It succeeded in reaching consensus and consolidating around the idea of multicultural citizenship which satisfied the interests of political entrepreneurs in a socio-political context of rising temporary migration whose access to formal citizenship is restricted compared to permanent arrivals. Kerkyasharian remained the Commission’s Chairperson long after Carr’s exit from State politics on May 25, 2005, who by then had become the longest continuously serving NSW Premier (Carr 2018). Kerkyasharian’s presence ensured a level of continuity and consistency when the mandatory five-year review of the Act came up and subsequent modifications expanded the Commission’s powers and final name change for Multicultural NSW.

By contrast, the Chair of BC's MAC experienced far more rotation. The longest tenures belong to John Halani (2006-09) and Tenzin Khangsar (2014-17) who each held the chairmanship for four years. While the province never reformed its legislative statute, it did continuously revise the programs and services delivered under the auspices of its multiculturalism policy. As for political entrepreneurship in British Columbia it did not originate from the Premier but a popular Attorney General, similar to Christopher Sumner in South Australia. Ujjal Dosanjh oversaw the simultaneous transformation of BC's immigration and multiculturalism programs in the mid to late 1990s, with the latter redirected to better serve the needs of the former. This first activation of the mechanism of redirection nevertheless aligned with recommendations from the MAC, which in 1997 expressed concerns about service delivery to communities with changing demographics (British Columbia 1997: 25). A year later these concerns were addressed through the establishment of the BC Immigrant Settlement Program (British Columbia 1998: 21). The MAC then increasingly advocated for collaboration and consultation with Aboriginal citizens to "address their unique experience of racism and discrimination" (British Columbia 2002: 83), which could align with the *Multiculturalism Act's* goals of combatting racism (British Columbia 1993: art. 2(c) and 3(e)(f)). In fact, this experience of racism only seemed to worsen under the divisive tactics of Gordon Campbell who challenged the BC Treaty Process in court as Leader of the Opposition in 2000, and through a referendum once he became Premier in 2001. The Campbell governments' solution was to dismantle the Aboriginal Affairs Ministry as well as the Ministry of Multiculturalism and Immigration, and amalgamate them into the Ministry of Community, Aboriginal and Women's Services. The BC government subsequently reduced the size of the MAC from 28 to 18 members, all of whom were new appointments (British Columbia 2004: iii). This did not bode well for the prospects of a congruence between policy and political entrepreneurship

given the weakened MAC's advice seemed at odds with the Premier's vision for BC. However, what the passage of time revealed on the Campbell government was in fact a lack of vision (Summerville 2018: 88). There was a strong embrace of neoliberalism in the *New Era* revolution's downsizing of the public administration that reflected similar developments already occurring elsewhere in Canada (Pilon 2017: 42). In fact, close friends describe Campbell as "a solid centrist" and "a pragmatist" not easily bound by ideology (Yakabuski 2002: 62), while less friendly accounts describe him as an "opportunist with no clear political philosophy other than holding power" (Pilon 2017: 38). In practice, this meant Campbell leaned left on inexpensive social issues and right for everything else (*ibid.*: 41). This matters because during the BC Liberal Party's seventeen-year reign, policy planning, coordination and decision-making became increasingly centralized through the directives from the Office of the Premier (Ruff 2010: 205). Regardless of how one chooses to define the evasive Premier, his characteristic opportunism partly explains why Campbell went from "intolerable opponent of aboriginal issues to celebrated advocate in a decade" (Belanger 2017: 61). In that regard, no event shaped BC politics during the Campbell era more than the 2010 Winter Olympic Games.

Emerging jurisprudence articulating the existence of Aboriginal title (*Delgamuukw v. British Columbia* [1997]) and the Crown's duty to conduct meaningful consultations with Aboriginal communities whose asserted or established rights may be affected by development projects (*Haida Nation v. British Columbia (Minister of Forests)* [2002]) meant that Aboriginal support for the Games would be crucial to its success. Hence, on November 22, 2002, the Bid Corporation, Province of BC, Squamish and Lil'Wat First Nations concluded a Shared Legacies Agreement (SLA), which would shape much of the substantive opportunities for the two First Nations in the 2010 Games (Sidsworth 2010: 136). Then, on the eve of the International Olympic

Committee's July 1, 2003, decision to award the Games to the Vancouver/Whistler bid, the Musqueam and Tsleil-Waututh Nations reached a non-binding memorandum of understanding outlining the Bid Corporation's commitment to ensuring they would see comparable benefits to those guaranteed to the other two First Nations in the SLA (*ibid.*: 149).<sup>129</sup> It is at this moment that the mechanism of redirection was activated once again. The Minister of State for Multicultural Services, Patrick Wong, requested that the MAC work with the Ministry to provide input on developing a multicultural theme for the 2010 Winter Games (British Columbia 2005: vii). The Attorney General and Minister Responsible for Multiculturalism, Wally Oppal, then asked the MAC to undergo a review of BC's *Multiculturalism Act* and the programs flowing from its policy, and provide recommendations (British Columbia 2006: vii). Its first recommendation was to "further engagement of aboriginal communities around the dialogue on multiculturalism" (*ibid.*). The Council made no specific recommendations on legislative changes. Consequently, the idea of "indigenous multiculturalism" recognition (British Columbia 2009: ii) took a prominent place in BC's multiculturalism policy in the years leading up to the 2010 Winter Games. Meanwhile, the provincial government strengthened its immigrant settlement and integration programs through the creation of WelcomeBC, as well as its anti-racism and multiculturalism activities through EmbraceBC (*ibid.*). All of these policy changes were implemented without a single amendment to the BC *Multiculturalism Act*. All this goes to show that context provides opportunity and institutional rules impose varying degrees of constraint on the possibility to employ discretion over the interpretation and enforcement of those same rules. The ability to reinterpret and redirect a policy towards new ends often relies on third party advice, like that provided by the MAC in this

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<sup>129</sup> Indeed, this time, the Federal Government entered into an Olympic Legacy Agreement with the Musqueam and Tsleil-Waututh Nations in June 2008. Under the terms of the agreement, the Federal government provided approximately \$17 million for the acquisition of lands, capacity building, business development, skills training and other economic opportunities that may flow from hosting events on their ancestral territory (Sidsworth 2010: 236).



instance, and its capacity to act as a policy entrepreneur. Yet their ideas can only be translated into policy once actors placed in a position of authority request changes and grant their approval. This is where political entrepreneurs like Ujjal Dosanjh, Gordon Campbell and Wally Oppal appear to activate the mechanism of redirection by securing support for this redeployment of old rules to new ends, thereby consolidating the process of policy conversion.

### *Conclusion*

In October 2019, the Queensland Government announced it would host a ministerial forum for multicultural affairs in 2020. According to the host State's Minister for Multicultural Affairs, Stirling Hinchliffe, the objective of the forum is to "discuss the most pressing multicultural issues" and "create a national approach to these issues" (Queensland 2019). This comes in the wake of a Senate Select Committee on Strengthening Multiculturalism that lead to no noticeable changes on the part of the Commonwealth Government. So, when successive Prime Ministers Malcom Turnbull and Scott Morrison boast that Australia is the "most successful multicultural nation on earth" (Australia 2017: 3; Australia 2019: 20), the irony is that State governments are the key architects of the institutions supporting multiculturalism policy in Australia. Indeed, sometimes federalism actually does work in the most unexpected ways. By contrast, in the 2018 Federal budget presentation, Canada's Minister of Finance, Bill Morneau, announced he would "increase funding for multiculturalism, provide new funding to ensure the success of Black Canadians, and consult on a new national anti-racism approach" (Canada 2018: 17477). The consultations consisted of 22 in-person forums attended by approximately 443 organizations, including BC's Ministry of Tourism, Arts and Culture and Multicultural Advisory Council as well as Nova Scotia's Human Rights Commission (Canada 2019). Looking at what has been done by other

governments, Canada's Anti-Racism Strategy underlines for instance the work of the *Nova Scotia Home for Colored Children Restorative Inquiry* and BC's *Chinese Historical Wrongs Consultation Final Report and Recommendations* (Canada 2018). Thus, there is an implicit recognition that multiculturalism policy change continues to be largely shaped by the work of constituent units in both federations. The main difference that separates the two federations, however, is that Australian States are the ones mobilizing for and collaborating over a national approach to multiculturalism, while Canadian governments continue to work in silos despite the experience and achievements of provinces on the matter. These findings contrast with the recommendations of the 1979 Pepin-Robarts Commission on a decentralized approach to multiculturalism policy development, and contrasts with the same year's Galbally Report basically ignored the role of State and Territory governments. So how come multiculturalism policies have changed in these two federations in spite of the fact that they are so often overlooked by the Federal government?

Building off the empirical observations of the four case studies presented in the previous parts of our dissertation, this chapter sketches a theory on the interaction of context, structure and agency in gradual processes of institutional change. We examined the significance of the socio-political context through the concept of critical junctures. These moments of fluidity and uncertainty are crucial to the institutional configuration created during a critical juncture, which have lasting effects on how and why these institutions change over time (Capoccia 2016: 1116). What emerges from our analysis is how the context of policy formulation in a given constituent unit cannot be studied in isolation of events occurring across the federation and in a range of related policy areas. The enshrinement of the *Charter of Rights and Freedoms* in the Constitution Act of 1982 completely transformed the role and powers of the Federal government in the area of civil

rights, a jurisdiction previously exclusive to the provinces. In the absence of an equivalent constitutional bill of rights in Australia, civil rights protection has remained the almost exclusive terrain of State and Territory Governments. With the Charter's article on preserving and enhancing multicultural heritage of Canadians in addition to the 1988 CMA, the central government clearly took a lead role as a critical juncture opened-up to further provincial involvement on multiculturalism policy development. In the absence of an equivalent constitutional bill of rights in Australia, civil rights protection remained the near exclusive terrain of State and Territory Governments. Adding to that the Commonwealth Governments reluctance to pass legislation, State Governments stepped-in to take the lead on multiculturalism policy development amid a society rapidly changing through increasing immigration. The coincidence of several high-profile incidents, public inquiries, and landmark court rulings simultaneously occurring within and outside the territorial and jurisdictional confines of a constituent unit can all contribute to the sense of urgency and resolve to change institutions that define critical junctures. The question then becomes how and why these contexts inform action, and how can actors initiate institutional change if their actions are conditioned by the very institutions they wish to change (Bakir and Jarvis 2017: 475).

Indeed, the structure put in place during a critical juncture can shape the modes of actions and distinct processes of gradual policy change that follow. What the discussion on institutional rules unveils is how these structural parameters vary significantly according to the oversight, review, advisory and compliance aspects of their policy. They range from annual reporting and five-year review requirements like in NSW to essentially no reporting requirements whatsoever in Nova Scotia. The ability to update a policy to match the needs of a changing socio-political context depends largely on whether or not policymakers stay informed about existing programs and receive impartial advice on how to improve service delivery. While neither Federal government has an

advisory body on multiculturalism to turn to for policy proposals, these types of institutions have been a reliable source of advice for a number of constituent unit governments, including in British Columbia and South Australia. Consequently, the compliance and consultation standards built into the institutional rules of a multiculturalism policy limit the degree of discretion used by authority figures to interpret and enforce that same policy.

In the end, policy change depends on actors reaching consensus upon and consolidating around new ideas. What the section on agency shows is why the relationship between the institutional and ideational fronts is so crucial to gradual processes of policy change. The advisory councils or commissions established through multicultural legislation not only perform important oversight, review and compliance functions, they can also be important sites of policy entrepreneurship and generate new ideas. Whether these ideas take hold and grow depends on the presence of a political entrepreneur, an elected official who will take up the cause, gather support among his or her peers and coordinate institutional change. In this chapter, we reviewed how the complementarity between policy and political entrepreneurship carried forward the causal mechanisms of redirection and defection in processes of policy conversion and displacement; and why the absence of this complementary relationship between change agents activated the mechanisms of deliberate neglect and path dependence in processes of policy drift and layering. In sum, the context generates the political will for policy change; institutional rules cultivate the circulation of ideas and establish a direct line of communication with those responsible for the policy; and finally change agents consolidate support for ideas and coordinate their implementation. This specific configuration of context, structure and agency explains why different causal mechanisms emerge and gradually steer policy change in separate directions.

## Conclusion

United in diversity. There is an inherent tension to this simple yet evocative phrase. One that, at times, pushes in the direction of symmetry, while, at other times, an acceptance of asymmetry. A tension that is present in both federalism and multiculturalism. It refers to the challenge of balancing the autonomy needed for constituent units to govern themselves according to local preoccupations and the solidarity needed to respond to common concerns and develop a shared sense of citizenship. In other words, balancing self-rule and shared rule in federations. It also refers to the balance multiculturalism tries to find between the freedom to express publicly one's cultural difference and equality of access to public services and opportunity in the labor market. This similar tension may be part of why *unity in diversity* is repeated, *ad nauseam*, by Australian and Canadian politicians from across the partisan spectrum. It can be used to defend the value of similarity or the virtues of difference, either in the spirit of federalism or the ethos of multiculturalism. As such, neither federations nor multiculturalism policies fit neatly into a universal mold. Each federation has a unique constitutional distribution of powers and historical dynamic of centralization and decentralization. For that matter, multiculturalism policies can vary substantially in their objectives, programs, and organization of responsibilities. The present dissertation therefore seeks to problematize the relationship between federalism and multiculturalism policy development in Australia and Canada.

These two colonial settler states share a similar history of displacing Indigenous peoples from their unceded territories to build-up the parliamentary institutions that arranged for the arrival of large-scale immigration organized along racial characteristics for the purpose of nation-building. From this initial united effort to suppress diversity emerged division and discontent. The dissertation brings to light civil rights struggles that began in the 1960s, calling for an end to

discrimination in many facets of daily life, including employment, housing, hospitality, policing, justice, immigration, and naturalization laws. This activism coincided with major changes to the demographic profile of both countries as immigration policies slowly liberalized and franchise was extended to citizens whose political rights were previously denied, including Indigenous peoples and racialized minorities. This process produced a critical self-reflection and renewal of both countries' national identity by the 1970s. We carefully examine this process of national identity renewal in chapter 2, which led to multiculturalism's gradual emergence as an official policy of the state to guide institutional change. However, the acceptance of this policy by the government of each constituent unit has been mixed and produced a variety of understandings. Some were quick to embrace it and in fact did so before the central government, while others rejected it outright. Some saw its use limited to the celebration and preservation of a multicultural identity. Others wished to make it a cornerstone of their social justice initiatives to combat racial discrimination. Most felt it could incorporate programs that facilitate the civic participation of immigrants. By the late 1980s a critical juncture opened and all governments in Australia and Canada – whether central or State/provincial – wrestled with the idea of adopting legislation to affirm and coordinate the implementation of multiculturalism policy. To understand and explain these processes of institutional change occurring simultaneously in both federations we asked the following question: *how and why have the multiculturalism policies changed in the constituent units of Australia and Canada?*

The period of study spans from 1989 – the year after the adoption of the *Canadian Multiculturalism Act* and the National Agenda for a Multicultural Australia – until 2019. The dissertation offered a detailed exploration of institutional changes following the chronology of events in four case studies – the Canadian provinces of British Columbia and Nova Scotia, and the

Australian States of New South Wales and South Australia – along with an overview of federal policy changes. We argued that constituent units have been crucial to multiculturalism policy developments in Australia and Canada. Indeed, multiculturalism policies in these two federations are largely experienced and implemented by constituent units. Therefore, we cannot comment on federal multiculturalism policies without paying adequate attention to the experiences and contributions of constituent units. Furthermore, we find that institutional changes have been mainly incremental, despite the opening of a critical juncture, which are periods typically conducive to transformative change that can lock institutions into a new path of development. This is made evident by the timing and sequence of changes that correspond to four distinct modes of gradual institutional change referred to as policy drift, layering, displacement and conversion. Each mode of gradual institutional change is driven by a distinct causal mechanism, forming the link between our dependent variable of multicultural policy output and our three independent variables. The variables consist of the unique context of a *critical juncture*, the structure of *institutional rules* and the combined agency of *policy* and *political entrepreneurs*. Drawing from the scientific literature, we defined and explained the separate modes of gradual institutional change and the variables in chapter 1. Thus, the dissertation built off the theoretical insights of the historical institutional approach to conceptualize the operation of each mode of gradual institutional change presented through separate case studies in chapters 3 to 6. Chapter 7 proceeded to a systematic comparison of the case studies to sketch a theory on gradual policy change in the context of analysing multiculturalism in both federations. By carefully reconstructing the historical context, political structure and identifying change agents responsible for the development of multiculturalism policies in the constituent units of Australia and Canada, we arrived at a much more complete picture of the development of these policies in both countries. We found

multiculturalism policy to be driven by State governments in Australia, while provincial governments have had a less prominent but equally important role in Canada. The role played by constituent units in this process leaves little doubt that they are indeed *small worlds*, with “similar though not identical features of the larger body politic of which they are also an integral part” (Burgess 2013: 16). These small world trajectories nevertheless tell a big part of the story of multiculturalism policies in two countries.

### *Tracing Institutional Change*

Historical institutionalism (HI) is a research tradition that examines how and why temporal processes and events influence the creation and transformation of institutions that govern political and economic relations (Fioretos et al. 2016: 3). Initially, HI theories generated explanations that viewed the creation as analytically distinct from the transformation of institutions. Thus, Capoccia and Kelemen argue that critical junctures are best understood as rather brief periods of institutional formation that mark the beginning of a path-dependent process (2007: 348). Path dependence is defined by Paul Pierson as a self-reinforcing process involving “positive feedbacks” (2004: 20), which would explain why institutions persist long after they are deemed inefficient. Some HI scholars felt this account of institutional *creation* inadequately captured the range of *transformations* that could occur. Surely, this was only one type of institutional change and not necessarily the most common or consequential (Thelen and Conran 2016: 57). On that account, James Mahoney (2000) suggests that path dependence is less static and may in fact result from sequences characterized by a tightly coupled reactive and counteractive dynamic that originates in a contingent breakpoint. This corresponds to McAdam, Tarrow and Tilly’s “contentious politics”, whereby political pressure from social movements (*reaction*) cause a government response



(*counter-reaction*) leading in turn to more cycles of reactive and counter-reactive dynamics. These intense moments of contention provide strategic opportunities for change that are harder to obtain under normal circumstances (1998: 17).

Our empirical research certainly found evidence of such contentious politics. A good example is the anti-apartheid movement of 1971 discussed in chapter 5 (section 5.1), when thousands protested in Sydney against South Africa's political regime when its national rugby team came to Australia for a series of test matches. Shortly after, the host country's exclusionary White Australia policy was dropped and eventually replaced by a policy of multiculturalism. We also found evidence of missed opportunities, cases where the government's response did not live up to the demands of social movements. Chapter 3 demonstrates this absence of reform to Nova Scotia's multiculturalism policy after protests turned violent and the report of the Advisory Council on Race Relations called for amendments to the province's *Multiculturalism Act*. There were also instances where reforms enacted did not fully meet expectations, like Canada's response to the *Equality Now!* report or South Australia's response to the 1991 *Racist Violence* report discussed in chapter 4. We even found examples of governments acting *proactively*, rather than reacting to social movements, as seen in chapter 5 (section 5.2) when New South Wales reformed its Ethnic Affairs Commission and *Anti-Discrimination Act* in 1989, two years prior to the *Racist Violence* report.

Thus, processes of institutional change appeared much more complex and multifaceted than early HI theories on institutional formation led-on. We needed a theoretical framework that could capture this complexity, but also provide enough flexibility for new interpretations of how these temporal processes unfold and which causal mechanisms yield what types of outcomes and why. We found James Mahoney and Kathleen Thelen's (2010) theory on gradual institutional

change well suited to examine and explain these simultaneous and contrasting processes of reform and inertia. Based on their theoretical insight and our empirical observations, we set out to systematically break-down the operationalization of their four modes of gradual institutional change, referred to as drift, layering, displacement, and conversion. The one important caveat we had was the theoretical framework's unacknowledged ideational foundation (Blyth 2016: 158), for the contingent and structural environment does not simply telegraph plans for reform into agents' heads. Ideas need to emerge and find the support of actors placed in a position of authority. As such, we set out to make agency and cognition a prominent component of our mechanistic explanation of gradual processes of institutional change.

### *Gradual Processes of Policy Change*

In all four case studies presented in chapters 3 to 6, we conceptualized each process of gradual policy change into five interlocking stages and showed their operationalization. The first section of the chapters was devoted to the political and social history of the case study. This allowed us to reconstruct the interdependence of events happening within the constituent unit and across the federation and beyond, that together led to a critical juncture opening with regards to multiculturalism policy formulation. This brings to light the importance of context and timing in relation to institutional formation and change. We emphasized, however, that this phase is only the *opening*, for we conceive critical junctures as periods, not events, of struggle over alternative policies (Bengtsson and Ruonavaara 2017: 51). Only if and when the struggle over reforming or replacing the policy ends can we consider the critical juncture to have receded if not closed. Consequently, the second phase is dedicated to the moments of contention that appear afterwards, when those seeking alternative rules express their displeasure with current institutions and new

ideas emerge, thereby challenging the status quo. In other words, the phase of contention is where institutional rules come under scrutiny and face their first real challenge. The response to this early period of contention marks a decisive turning point for our separate modes of gradual policy change. For it is during the third phase that we identify the activation of the causal mechanism driving forward the respective modes of incremental policy change. Thus, it is after gaining detailed insight into the socio-political context specific to each constituent unit, along with the institutional rules and their initial evaluation, that we start to see the crucial role of change agents in this third section of our case studies.

### *The Interdependence of Mechanisms and Change Agents*

Chapters 3 and 4 demonstrated how, in spite of the opening of a critical juncture and the clear articulation of calls for reform, the main objectives and functions of Nova Scotia's and South Australia's multiculturalism policy were held in place. The two central change agents of our theory are policy and political entrepreneurs and it is their relationship, embedded within a specific historical and institutional context, that activates the discrete causal mechanisms that ultimately carry forward the separate modes of incremental change. In the case of Nova Scotia, the Advisory Council on Race Relations was an important source of policy entrepreneurship. Its members had deep roots in the community, knowledge of existing institutions, and vested interests in the policy framework being updated. The problem was that they could not find support for their ideas from a political entrepreneur. This category of change agents is comprised of actors with the power to bring forth new legislation or enact changes by executive fiat. Policy entrepreneurs must sell their ideas to political entrepreneurs who, in turn, must champion the proposed policy and actively promote it to their colleagues in Cabinet for it to receive the support and resources required to

adopt and implement changes. Consequently, the absence of a political entrepreneur activated a mechanism of deliberate neglect in Nova Scotia, whereby institutions were consciously held in place despite the formal acknowledgement of their inability to meet critical needs. Meanwhile, South Australia's government also acknowledged that an emerging problem of racial vilification was similarly putting a strain on community relations. Failure to address this growing concern would compromise the objective of State's policy of multiculturalism to ensure "all groups and members of the community may [...] live and work together harmoniously" while maintaining and giving "expression to their distinctive cultural heritages" (SAMEAC Act 1989: sec. 4). What ensued was a series of minor alterations that actually consolidated existing programs and services through more robust compliance standards. However, these changes failed to introduce new social justice provisions to the South Australian Multicultural and Ethnic Affairs Commission or clarify its relationship vis-à-vis the Equal Opportunity Commission when new anti-racism legislation was introduced. Thus, this combination of piecemeal alterations and the duplication of institutions with similar objectives revealed a process of policy change guided by a mechanism of path dependence. At this critical juncture, the Government of South Australia and SAMEAC could not reproduce the alliance of policy and political entrepreneurship which had animated the innovative policymaking of Attorney-General Chris Sumner and Dr. Jerzy Smolicz of the Ethnic Affairs Commission in the 1980s, as well as Premier Don Dunstan and civil servants like George Giannoupolos of the Ethnic Affairs Branch before them in the 1970s.<sup>130</sup> The inability to reproduce this mutual exchange of ideational and institutional forces resulted in a process of incremental

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<sup>130</sup> Giannoupolos recalls from his experience of working in the Ethnic Affairs Branch of the Premier's Department that Dunstan wished to give multiculturalism "an impetus and give it some stamp of authority so we can actually move" (Lewkowicz 2008: 26) and "not rely on the Commonwealth [Government]" (*ibid.*: 23). That is why former South Australian Premier, Mike Rann, is adamant in affirming that "Dunstan, more than anyone else, was the architect of multiculturalism" in Australia (Lewkowicz 2011: 22). Rann also readily admits that Sumner deserves "enormous merit for [...] he and Lyn Arnold later put an intellectual framework around that [multiculturalism policy]" in South Australia (*ibid.*: 23).

change we define as policy layering, where actors work around institutions that have fostered vested interests and long-term expectations by adding new institutions rather than dismantling or fundamentally restructuring old ones (Béland and Powell 2016: 137).

Chapters 5 and 6, by contrast, presented cases where significant policy change occurred, despite a similar historical context and institutional structure. While South Australia may have been at the forefront of social reforms as the country slowly dismantled the White Australia policy in the 1960s and 1970s, it was New South Wales that reanimated multiculturalism at a moment of Commonwealth policy retrenchment and polarized public debate in the 1990s. Following the election of PM John Howard and the controversial MP Pauline Hanson in 1996, the recently elected Premier of NSW, Bob Carr, depicts the political mood of the time in the following way:

As the only Labor government in the country we staked out our position that we would never have truck with Hansonites even if there were a chance of capturing a trickle of conservative votes. No Australian could be regarded as more fair dinkum than any other based on origins. Multiculturalism, in our view, was a sound working concept that offered respect to diverse communities without threatening older communities with quotas or sanctions or political correctness. We let the state Coalition know that if they towed the Howard line of respect for Hanson they would lose. [...] Not for a moment do I overlook the role of Coalition figures in standing up to and isolating Hanson. These included Victorian premier Jeff Kennett, NSW opposition leader Peter Collins, and federal politicians Ron Boswell, Tony Abbott and Tim Fischer. They not only protected Australian conservatism but the reputation of their country. (Carr 2018: 95)

What this shows is how different possibilities were open during this critical juncture, and that nothing in the socio-political context or institutional rules could by themselves determine the type

and direction of subsequent institutional developments (Capoccia 2015: 150). Additionally, the partisan consensus over multiculturalism was driven by State leaders in the face of ideological, and not partisan opposition from some key federal parliamentarians. This draws our attention to the ideas and political agency directing decision making during the critical juncture to explain why the policy changed in the way it did. Carr added that “part of a politician’s skill is to put his signature on something already underway, to attach himself to a wholesome social improvement” (Carr 2018: 95). Reforming the State’s Ethnic Affairs portfolio to enact a policy of multiculturalism allowed Carr to consolidate his legacy in this domain and affirm his ideological and policy opposition to Hanson and Howard. His political entrepreneurship activated a mechanism of defection (Streek and Thelen 2005: 31), by cultivating a new logic of action already present inside the Ethnic Affairs Commission of NSW. To plan and drive forward his reform, Carr found an experienced ally and policy entrepreneur in the Chair of the Commission, Stepan Kerkyasharian. After the ALP was returned to power in the 1999 State election, multiculturalism was enshrined in legislation. The statute included a clear articulation of the State’s multicultural identity around the notion of citizenship, included civic participation provisions especially for those who do not possess formal citizenship and added social justice measures that include the power to report cases to the NSW Anti-Discrimination Board. Subsequent legislative amendments in the years following Carr’s resignation strengthened consultation and compliance standards from all State government departments and agencies towards the *Multicultural NSW Act*. Similar robust compliance standards played a crucial role in ensuring British Columbia’s ability to adapt its multiculturalism policy to changing contextual conditions. The difference is that it did so without making any amendments to its *Multiculturalism Act*. This redeployment of old institutions to new purposes is defined in chapter 6 as a process of policy conversion. We explain how and why the

emergence of political entrepreneurs with new ideas twice activated a mechanism of redirection to grasp significant economic opportunities present before them in the context of devolved immigration powers and the bid to host the Winter Olympics. Both times the province's Attorney-General and Minister responsible for Multiculturalism, Ujjal Dosanjh and Wally Oppal, relied on the policy entrepreneurship of the Multicultural Advisory Council to offer innovative ideas and proposals to update programs and services in light of changing contextual conditions. In sum, a changing socio-political context can provide opportunities for change while institutional rules may facilitate or constrain strategic action on the part of actors that look to capture important features of incremental endogenous change (Streek and Thelen 2005: 12).

#### *From Small Worlds to Multiculturalism Policy*

The present dissertation set out to fill two gaps in the literature on multiculturalism. In doing so, it had a two-fold contribution. The first is of a *conceptual* nature whose objective is to overcome problems of conceptual stretching and methodological nationalism in the study of multiculturalism policy. Part of the problem of conceptual stretching stems from the debate over the “rise and fall” of multiculturalism (Kymlicka 2010), with one side arguing multiculturalism has receded in response to public backlash (Joppke 2004; Joppke 2014; Vertovec and Wessendorf 2010; Alexander 2013; Lesińska 2014), while the other argues its support as a public policy remains stable (Banting and Kymlicka 2013; Meer and Modood 2013; Bloemraad and Wright 2014; Mathieu 2017). The problem is that this ongoing debate has produced case studies and model-based indices that make comparisons using countries that never formally affirmed multiculturalism (Duyvendak et al. 2013: 605). The practice of projecting a degree of multicultural policy commitment onto polities that never formally adopted multiculturalism is problematic. It stretches

the conceptual meaning of multiculturalism as a public policy away from its intended significance and subverts the aim of programs like minority language education or dual-nationality rules that may serve an entirely separate purpose. This is why we decided to study cases that have formally affirmed multiculturalism as a policy of the state to gain insight into how it is defined in law, designed in policy and implemented through regulated practice.

The two countries that have formally adopted multiculturalism as an official policy are Canada and Australia. However, both are federations, which means many of the economic, labour, civil rights and social policy challenges involve state/provincial or shared responsibilities (Atkinson et al. 2013: xv-xvi). As such, constituent units are a crucial source of policy development and innovation (*ibid.*: xvi). Multiculturalism policy is no exception as it quickly became clear that Australian states and Canadian provinces would play a significant role in the development of multiculturalism policy, something that has been largely overlooked in the literature. Curiously, the comparative study of multiculturalism policy paid no heed to the decentralised allocation of authority or possibility of variation within both states, thereby reducing the activities of constituent unit governments to administering central directives. We sought to overcome this problem of methodological nationalism where nation-states appear as the best or only units of observation or analysis (Greer et al. 2015). The advantages of studying the multiculturalism policies of constituent units are to reveal distinctive regional arrangements, broaden the scope of observable cases, capture the complexity of federal systems and the nexus of identity, territory and politics. This helped reveal how constituent unit governments have not only been part of the process of developing multiculturalism policies, they have often led the way. We defined multiculturalism policies as a set of state actions that look to recognize and accommodate the identities, values and practices of dominant and non-dominant groups in public institutions, so as to mitigate the cultural



domination of majority groups over minorities in the spirit of equality of treatment and opportunity. However, we noticed that depending on constituent units' own history of civil rights struggles, immigration patterns and degree of organization among ethnocultural minority associations, the aim and scope of multiculturalism policies could vary significantly. We therefore conceptualized multiculturalism policies along three policy dimensions, defined in chapter 1 (section 1.2.2) as multicultural identity, social justice, and civic participation, each with a set of indicators involving various forms of state actions guiding institutional change to recognize and accommodate cultural diversity.

This proved useful to fulfil the dissertations' *theoretical* contribution of developing a framework for tracing gradual modes of institutional change and refining our comprehension of the causal mechanisms driving these processes. Tracing temporal processes means identifying the ideas, events, and actors that influence the origin and transformation of institutions that govern political and economic relations. Having clearly defined multiculturalism policy dimensions with separate indicators helped locate program changes and shifts in the policy's main orientation when it occurred. In doing so, our goal was to develop a step-by-step analytical grid to detect where processes of policy change converge or follow parallel paths and when they diverge. By systematically sorting out their common and distinct elements, we can then theorize and explain the different outcomes. Thus, we conceptualized the modes of gradual institutional change along five interlocking phases, three of which are common to all four modes and two are distinct as they relate to the separate causal mechanisms. In each case study, we first provided important background information on the *opening* of the critical juncture followed by a detailed account of the *contention* phase. The third phase is where the processes depart as it is when the separate causal mechanisms are activated. Mechanisms are causally productive in that they bring about outcomes

(Bengtsson and Ruonavaara 2017: 53). Consequently, the fifth and final phase is also unique to each process as it depicts the resulting separate outcomes. In between the activation of the mechanism in phase three (i.e. deliberate neglect, path dependency, defection, and redirection) and the outcome of the gradual process of policy change in phase five (i.e. drift, layering, displacement, and conversion) is a *consolidation* phase common to all four modes, for a mechanism is not an intervening variable that appears as a snapshot in time. It is itself a temporal process “composed of several components or steps (actors and actions) representing the minimally sufficient steps to argue for its operation” (Paquet and Broschek 2017: 298). Therefore, mechanistic explanation requires careful attention to the timing and sequencing of these steps to adequately reconstruct the dynamics internal to any given mechanism (*ibid.*: 300). However, empirical studies using the Streeck, Thelen and Mahoney’s theories on gradual institutional change (e.g. Béland 2007; Bick 2016; Angelin et al. 2014; Lambert 2016) seldom define or explain the mechanisms that carry forward the distinct modes. We looked to fill this gap by providing a clear analytical grid that bridges the link between theory and mechanistic explanation using a process-tracing method and empirical observations from a sample of comparable cases.

### *Looking Ahead to Future Research*

The polysemous nature of the concept of multiculturalism and the broad scope of multiculturalism policies has brought us to explore other areas with great potential for innovative research. The first concerns the interaction of law and politics over the regulation of hate speech. Both federal governments of Canada and Australia have adopted criminal law provisions forbidding hateful and discriminatory expressions. Canadian provinces and Australian States have also enacted civil law provisions outlawing racial vilification under their human rights or anti-discrimination authorities,

which are typically dealt with through out-of-court mediation or remedies. On the one hand, Australian anti-vilification laws face little constitutional or statutory impairment on free speech grounds (see chapter 4, section 4.4, and chapter 5, section 5.2). On the other hand, Canadian courts have upheld limitations to constitutional guarantees to freedom of expression in cases involving hate propaganda, citing equality rights and multiculturalism as state objectives warranting such impairments to free speech (see chapter 6, section 6.2). This could make for a highly informative comparison if we examine the share of racial vilification incidents that have been dealt with through criminal proceedings versus civil remedies, and determine the extent to which either approach has had a noticeable effect on the spread of such discriminatory expressions. Criminal convictions are likely rare because of the high standards of proof required to prosecute. In spite of the constitutional guarantees, such convictions have occurred in Canada (for example, see chapter 3, section 3.5) and benefit from Supreme Court jurisprudence on the matter. However, Australian State-based civil mediation and remedies could very well be more successful at resolving prevailing community tensions and preventing repeated offenses. In sum, this is a research topic with a high potential for informing public policy as social media have transformed modern communication and governments now face increasing pressure to regulate the flow of hateful and discriminatory messages online.

The second area concerns the constitutional politics of modern Indigenous treaty negotiations in British Columbia/Canada and Victoria/Australia. In its 2015 Speech from the Throne, the Canadian government announced it would renew its relationship with Indigenous peoples based on the “recognition of rights, respect, co-operation and partnership” (Canada 2015: 6). In its 2019 Speech from the Throne, the Australian government similarly announced its commitment to move forward with “constitutional recognition of Indigenous Australians and

develop ground-up governance models” (Australia 2019: 28). Meanwhile, as the only Canadian province where the *terra nullius* doctrine was applied upon joining the federation, British Columbia has been negotiating modern treaties on Indigenous land rights and self-governance since the 1990s. Similarly, the *terra nullius* doctrine was applied to all of Australia, including the State of Victoria which launched a treaty process in 2016. Building off the theoretical framework we developed in the dissertation, one could inquiry into the context, structure, and actors involved in the process of modern treaties unfolding in both federations. More specifically, what are the mechanisms driving modern treaty negotiations in British Columbia and Victoria? How can modern treaty negotiations reshape the relationship to Indigenous peoples in both federations? And finally, why are State/provincial governments suddenly keen to get involved in the negotiations? Both countries appear to have entered a critical juncture since they voted against the UN Declaration on the Rights of Indigenous Peoples in 2007. Political mobilization through protest and court rulings affirming Indigenous rights to negotiate land entitlements have since bolstered claims for modern treaties. These treaties can reshape the relationship between self-governed Indigenous peoples and the State to the extent that they empower rather than subordinate Indigenous peoples, and clearly define the nature and scope of the shared political responsibilities of central and constituent unit governments towards Indigenous peoples.

Finally, one of the important findings in our case studies has been the impact of independent Commissions and Advisory Councils over the interpretation and enforcement of multiculturalism legislation. Both federal governments and some constituent unit governments (e.g. Nova Scotia) have consistently rejected or ignored calls for the creation of such independent agencies. Multiculturalism policies and programs have been prone to unilateral retrenchment or neglect in those jurisdictions. By contrast, constituent units that established such advisory bodies

with community representation (e.g. New South Wales and British Columbia) have demonstrated a greater ability to adapt policies to a changing political context and respond effectively to emerging social issues. There is a need in the comparative policy literature for studies that will theorize the ideational contribution of key members of these institutions during processes of policy reform. Highlighting the intersection of intellectual and institutional factors in the policy development process within decentralized forms of governance will further our understanding of the role and strategies of policy entrepreneurs working outside electoral politics but who nevertheless provide solutions to salient political problems. This is critical to explaining the discontinuity between federal and constituent unit policies over multiculturalism, especially during times when the same parties held power in both orders of government. For change is difficult and often polarizing. There are always steps backwards and forwards. These conflicting processes of change are all the more common in political systems where authority is divided. Yet this is the very potential of comparative policy studies in federations where similar institutions can yield different results and thus offer a fertile terrain for policy innovation and theory generation. It is, after all, the underlying promise of unity in diversity.

## Appendices

### Appendix 1. Canadian Population by origin (1871-1951)

**TABLE 31. Population by origin for Canada, 1871, 1881, 1901-1951**  
**TABLEAU 31. Population selon l'origine, Canada, 1871, 1881, 1901-1951**

| Origin<br>—<br>Origine                                                | 1871                          | 1881               | 1901               | 1911                | 1921             | 1931              | 1941                 | 1951              |
|-----------------------------------------------------------------------|-------------------------------|--------------------|--------------------|---------------------|------------------|-------------------|----------------------|-------------------|
| <b>Total</b> <sup>1</sup> .....                                       | <b>3,485,761</b> <sup>2</sup> | <b>4,324,810</b>   | <b>5,371,315</b>   | <b>7,206,643</b>    | <b>8,787,949</b> | <b>10,376,786</b> | <b>11,506,655</b>    | <b>14,009,429</b> |
| <b>British Isles origins — Origine britannique</b>                    | <b>2,110,502</b>              | <b>2,548,514</b>   | <b>3,063,195</b>   | <b>3,999,081</b>    | <b>4,868,738</b> | <b>5,381,071</b>  | <b>5,715,904</b>     | <b>6,709,685</b>  |
| English — Anglaise .....                                              | 706,369                       | 881,301            | 1,260,899          | 1,871,268           | 2,545,358        | 2,741,419         | 2,968,402            | 3,630,344         |
| Irish — Irlandaise .....                                              | 846,414                       | 957,403            | 988,721            | 1,074,738           | 1,107,803        | 1,230,808         | 1,267,702            | 1,439,635         |
| Scottish — Écossaise .....                                            | 549,946                       | 699,863            | 800,154            | 1,027,015           | 1,173,625        | 1,346,350         | 1,403,974            | 1,547,470         |
| Other — Autres .....                                                  | 7,773                         | 9,947              | 13,421             | 26,060              | 41,952           | 62,494            | 75,826               | 92,236            |
| <b>Other European origins — Autres origines<br/>européennes</b> ..... | <b>1,322,813</b>              | <b>1,598,386</b>   | <b>2,107,327</b>   | <b>3,006,502</b>    | <b>3,699,846</b> | <b>4,753,242</b>  | <b>5,526,964</b>     | <b>6,872,889</b>  |
| French — Française .....                                              | 1,082,940                     | 1,298,929          | 1,649,371          | 2,061,719           | 2,452,743        | 2,927,990         | 3,483,038            | 4,319,167         |
| Austrian, n.o.s. — Autrichienne, n.a.é. ....                          | —                             | —                  | 10,947             | 44,036              | 107,671          | 48,639            | 37,715               | 32,231            |
| Belgian — Belge .....                                                 | —                             | —                  | 2,994              | 9,664               | 20,234           | 27,585            | 29,711               | 35,148            |
| Czech and Slovak — Tchèque et slovaque .....                          | —                             | —                  | —                  | —                   | 8,840            | 30,401            | 42,912               | 63,959            |
| Finnish <sup>3</sup> — Finlandaise <sup>3</sup> .....                 | —                             | —                  | 2,502              | 15,500              | 21,494           | 43,885            | 41,683               | 43,745            |
| German — Allemande .....                                              | 202,991                       | 254,319            | 310,501            | 403,417             | 294,635          | 473,544           | 464,682              | 619,995           |
| Greek — Grecque .....                                                 | 39                            | —                  | 291                | 3,614               | 5,740            | 9,444             | 11,692               | 13,966            |
| Hungarian — Hongroise .....                                           | —                             | —                  | 1,549 <sup>4</sup> | 11,648 <sup>4</sup> | 13,181           | 40,582            | 54,598               | 60,460            |
| Italian — Italienne .....                                             | 1,035                         | 1,849              | 10,834             | 45,963              | 66,769           | 98,173            | 112,625              | 152,245           |
| Jewish — Juive .....                                                  | 125                           | 667                | 16,131             | 76,199              | 126,196          | 156,726           | 170,241              | 181,670           |
| Lithuanian — Lithuanienne .....                                       | —                             | —                  | —                  | —                   | 1,970            | 5,876             | 7,789                | 16,224            |
| Netherlands — Néerlandaise .....                                      | 29,662                        | 30,412             | 33,845             | 55,961              | 117,505          | 148,962           | 212,863              | 264,267           |
| Polish — Polonaise .....                                              | —                             | —                  | 6,285              | 33,652              | 53,403           | 145,503           | 167,485              | 219,845           |
| Roumanian — Roumaine .....                                            | —                             | —                  | 354 <sup>5</sup>   | 5,883 <sup>5</sup>  | 13,470           | 29,056            | 24,689               | 23,601            |
| Russian — Russe .....                                                 | 607 <sup>6</sup>              | 1,227 <sup>6</sup> | 19,825             | 44,376              | 100,064          | 88,148            | 83,708               | 91,279            |
| Scandinavian — Scandinave .....                                       | 1,623                         | 5,223              | 31,042             | 112,682             | 167,359          | 228,049           | 244,603              | 283,024           |
| Danish — Danoise .....                                                | —                             | —                  | —                  | —                   | 21,124           | 34,118            | 37,439               | 42,671            |
| Icelandic — Islandaise .....                                          | —                             | —                  | —                  | —                   | 15,876           | 19,382            | 21,050               | 23,307            |
| Norwegian — Norvégienne .....                                         | —                             | —                  | —                  | —                   | 68,856           | 93,243            | 100,718              | 119,266           |
| Swedish — Suédoise .....                                              | —                             | —                  | —                  | —                   | 61,503           | 81,306            | 85,396               | 97,780            |
| Ukrainian — Ukrainienne .....                                         | —                             | —                  | 5,682              | 75,432              | 106,721          | 225,113           | 305,929              | 395,043           |
| Yugoslavic — Yougoslave .....                                         | —                             | —                  | —                  | —                   | 3,906            | 16,174            | 21,214               | 21,404            |
| Other — Autres .....                                                  | 3,791                         | 5,760              | 5,174              | 6,756               | 17,945           | 9,392             | 9,787                | 35,616            |
| <b>Asiatic origins — Origines asiatiques</b> .....                    | <b>4</b>                      | <b>4,383</b>       | <b>23,731</b>      | <b>43,213</b>       | <b>65,914</b>    | <b>84,548</b>     | <b>74,064</b>        | <b>72,827</b>     |
| Chinese — Chinoise .....                                              | —                             | 4,383              | 17,312             | 27,831              | 39,587           | 46,519            | 34,627               | 32,528            |
| Japanese — Japonaise .....                                            | —                             | —                  | 4,738              | 9,067               | 15,868           | 23,342            | 23,149               | 21,663            |
| Other — Autres .....                                                  | 4                             | —                  | 1,681              | 6,315               | 10,459           | 14,687            | 16,288               | 18,636            |
| <b>Other origins — Autres origines</b> .....                          | <b>52,442</b>                 | <b>173,527</b>     | <b>177,062</b>     | <b>157,847</b>      | <b>153,451</b>   | <b>157,925</b>    | <b>189,723</b>       | <b>354,028</b>    |
| Native Indian and Eskimo — Indienne et<br>esquimaude .....            | 23,037                        | 108,547            | 127,941            | 105,611             | 113,724          | 128,890           | 125,521 <sup>7</sup> | 165,607           |
| Negro — Nègre .....                                                   | 21,496                        | 21,394             | 17,437             | 16,994              | 18,291           | 19,456            | 22,174               | 18,020            |
| Other and not stated — Autres et non dé-<br>clarée .....              | 7,909                         | 43,586             | 31,684             | 35,242              | 21,436           | 9,579             | 42,028               | 170,401           |

Note. N.o.s. = Not otherwise specified. — Nota. N.a.é. = Non autrement énuméré.

1. Exclusive of Newfoundland prior to 1951. — Sans Terre-Neuve antérieurement à 1951.

2. Includes the four original provinces of Canada only. — Ne comprend que les quatre provinces originales du Canada.

3. Includes Estonian prior to 1951. — Comprend estonienne antérieurement à 1951.

4. Includes Lithuanian and Moravian. — Comprend lithuanienne et morave.

5. Includes Bulgarian. — Comprend bulgare.

6. Includes Finnish and Polish. — Comprend finlandaise et polonaise.

7. Exclusive of Half-breeds. — Sans les Métis.

Source: Canada. "Ninth Census of Canada." Department of Trade and Commerce, 1951.

## Appendix 2. Canadian Population by Official Language (1971-1981)

### Population by Official Language, Canada, Provinces and Territories

1981 and 1971

|                       |             | Total <sup>1</sup> |              | English Only      |             | French Only      |             | Both English and French |             | Neither English Nor French |            |
|-----------------------|-------------|--------------------|--------------|-------------------|-------------|------------------|-------------|-------------------------|-------------|----------------------------|------------|
|                       |             | Number             | %            | Number            | %           | Number           | %           | Number                  | %           | Number                     | %          |
| <b>Canada</b>         | <b>1981</b> | <b>24,083,500</b>  | <b>100.0</b> | <b>16,122,900</b> | <b>67.0</b> | <b>3,987,240</b> | <b>16.6</b> | <b>3,681,960</b>        | <b>15.3</b> | <b>291,395</b>             | <b>1.2</b> |
|                       | <b>1971</b> | <b>21,568,310</b>  | <b>100.0</b> | <b>14,469,540</b> | <b>67.1</b> | <b>3,879,255</b> | <b>18.0</b> | <b>2,900,155</b>        | <b>13.5</b> | <b>319,360</b>             | <b>1.5</b> |
| Newfoundland          | 1981        | 563,750            | 100.0        | 550,335           | 97.6        | 145              | 0.0         | 12,840                  | 2.3         | 430                        | 0.1        |
|                       | 1971        | 522,100            | 100.0        | 511,620           | 98.0        | 510              | 0.1         | 9,350                   | 1.8         | 625                        | 0.1        |
| Prince Edward Island  | 1981        | 121,225            | 100.0        | 111,205           | 91.7        | 200              | 0.2         | 9,780                   | 8.1         | 40                         | 0.0        |
|                       | 1971        | 111,640            | 100.0        | 101,820           | 91.2        | 680              | 0.6         | 9,110                   | 8.2         | 30                         | 0.0        |
| Nova Scotia           | 1981        | 839,800            | 100.0        | 774,760           | 92.3        | 1,880            | 0.2         | 62,350                  | 7.4         | 805                        | 0.1        |
|                       | 1971        | 788,960            | 100.0        | 730,700           | 92.6        | 4,185            | 0.5         | 53,035                  | 6.7         | 1,035                      | 0.1        |
| New Brunswick         | 1981        | 689,375            | 100.0        | 417,030           | 60.5        | 89,340           | 13.0        | 182,555                 | 26.5        | 455                        | 0.1        |
|                       | 1971        | 634,560            | 100.0        | 396,855           | 62.5        | 100,985          | 15.9        | 136,115                 | 21.5        | 600                        | 0.1        |
| Quebec                | 1981        | 6,369,065          | 100.0        | 426,240           | 6.7         | 3,826,610        | 60.1        | 2,065,100               | 32.4        | 51,120                     | 0.8        |
|                       | 1971        | 6,027,765          | 100.0        | 632,515           | 10.5        | 3,668,020        | 60.9        | 1,663,790               | 27.6        | 63,445                     | 1.1        |
| Ontario               | 1981        | 8,534,265          | 100.0        | 7,401,070         | 86.7        | 60,530           | 0.7         | 924,480                 | 10.8        | 148,185                    | 1.7        |
|                       | 1971        | 7,703,105          | 100.0        | 6,724,100         | 87.3        | 92,840           | 1.2         | 716,065                 | 9.3         | 170,090                    | 2.2        |
| Manitoba              | 1981        | 1,013,705          | 100.0        | 915,755           | 90.3        | 2,620            | 0.3         | 79,990                  | 7.9         | 15,340                     | 1.5        |
|                       | 1971        | 988,245            | 100.0        | 881,715           | 89.2        | 5,020            | 0.5         | 80,935                  | 8.2         | 20,585                     | 2.1        |
| Saskatchewan          | 1981        | 956,440            | 100.0        | 904,900           | 94.6        | 705              | 0.1         | 43,650                  | 4.6         | 7,180                      | 0.8        |
|                       | 1971        | 926,240            | 100.0        | 867,315           | 93.6        | 1,825            | 0.2         | 45,985                  | 5.0         | 11,110                     | 1.2        |
| Alberta               | 1981        | 2,213,650          | 100.0        | 2,045,060         | 92.4        | 3,705            | 0.2         | 142,465                 | 6.4         | 22,425                     | 1.0        |
|                       | 1971        | 1,627,870          | 100.0        | 1,525,575         | 93.7        | 3,310            | 0.2         | 81,000                  | 5.0         | 17,990                     | 1.1        |
| British Columbia      | 1981        | 2,713,615          | 100.0        | 2,518,965         | 92.8        | 1,445            | 0.1         | 154,170                 | 5.7         | 39,030                     | 1.4        |
|                       | 1971        | 2,184,620          | 100.0        | 2,054,690         | 94.1        | 1,775            | 0.1         | 101,435                 | 4.6         | 26,725                     | 1.2        |
| Yukon                 | 1981        | 23,075             | 100.0        | 21,200            | 91.9        | 10               | 0.0         | 1,820                   | 7.9         | 45                         | 0.2        |
|                       | 1971        | 18,385             | 100.0        | 17,130            | 93.2        | 5                | 0.0         | 1,210                   | 6.6         | 35                         | 0.2        |
| Northwest Territories | 1981        | 45,535             | 100.0        | 36,380            | 79.9        | 60               | 0.1         | 2,750                   | 6.0         | 6,340                      | 13.9       |
|                       | 1971        | 34,810             | 100.0        | 25,500            | 73.3        | 100              | 0.3         | 2,120                   | 6.1         | 7,085                      | 20.4       |

Note: Totals may not equal the sum of components due to rounding.

<sup>1</sup> The 1981 figures exclude inmates.

Source: Canada. "Update from the 1981 Census." Statistics Canada, April 26, 1983.

## Appendix 3. Net Migration to Australia by Nationality or Race (1921-1947)

No. 17i.—Population—Net Migration according to Nationality or Race, Australia, 1921 to 1934.  
(Adjusted in accordance with the revised figures of the 1933 Census.)

| Nationality or Race.                      | 1921.         | 1922.         | 1923.         | 1924.         | 1925.         | 1926.         | 1927.         | 1928.         | 1929.         | 1930.         | 1931.          | 1932.         | 1933.       | 1934.        |
|-------------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|---------------|-------------|--------------|
| <b>EUROPEAN RACE.</b>                     |               |               |               |               |               |               |               |               |               |               |                |               |             |              |
| British .. .. .                           | 17,030        | 34,729        | 35,154        | 35,734        | 32,164        | 38,282        | 39,406        | 24,578        | 10,363        | -7,409        | -6,550         | -2,374        | -102        | 809          |
| Austrian .. .. .                          | 16            | 4             | (b)           | 8             | 8             | 33            | 70            | 46            | 47            | 17            | -14            | 6             | 6           | 1            |
| Danish .. .. .                            | 69            | 104           | 97            | 68            | 47            | 91            | 29            | 61            | 15            | -27           | -12            | -15           | -9          | -9           |
| Dutch .. .. .                             | 48            | 93            | 93            | 103           | 34            | 35            | 46            | 4             | 15            | 6             | -23            | 19            | -10         | 14           |
| Finnish .. .. .                           | 149           | 177           | 35            | (d) 262       | 115           | 80            | 147           | 128           | 88            | 30            | -39            | -26           | -25         | -18          |
| French .. .. .                            | 46            | 17            | 45            | 113           | 71            | 258           | 497           | 291           | 97            | 88            | -8             | 59            | 52          | 45           |
| German .. .. .                            | 34            | 387           | 861           | 1,838         | 280           | 409           | 1,249         | 409           | -25           | -243          | -414           | -100          | 18          | 116          |
| Greek .. .. .                             | 804           | 2,702         | 1,348         | 3,924         | 4,854         | 2,729         | 6,516         | 1,374         | 90            | -156          | -1,070         | -139          | 454         | 883          |
| Italian .. .. .                           | ..            | ..            | (a) 260       | 380           | 205           | 300           | 303           | 48            | -88           | -118          | -85            | -78           | -34         | -10          |
| Maltese .. .. .                           | ..            | ..            | 43            | 36            | 55            | 51            | 70            | 41            | 11            | -11           | -22            | -14           | -13         | 2            |
| Norwegian .. .. .                         | ..            | ..            | 105           | 184           | 207           | 385           | 300           | 274           | 241           | 60            | 49             | -38           | -15         | -7           |
| Russian .. .. .                           | ..            | ..            | 28            | 36            | 14            | 40            | 27            | 80            | 11            | -11           | -22            | -14           | -13         | 2            |
| Spanish .. .. .                           | ..            | ..            | 84            | 13            | (b)           | 28            | 17            | 12            | 2             | 1             | -2             | -17           | -7          | 6            |
| Swedish .. .. .                           | ..            | ..            | 36            | 42            | 84            | 64            | 49            | 27            | -7            | -2            | -17            | -7            | 6           | 17           |
| Swiss .. .. .                             | ..            | ..            | 20            | 122           | 147           | 207           | 169           | 127           | 245           | 82            | -53            | -85           | 29          | 10           |
| Turkish .. .. .                           | ..            | ..            | 111           | (b)           | (d) 17        | 12            | 1             | 2             | 1             | -2            | 5              | -44           | -53         | 2            |
| United States .. .. .                     | ..            | ..            | 647           | 664           | 428           | 108           | 345           | 162           | 194           | 157           | -43            | -223          | -41         | 8            |
| Yugoslav .. .. .                          | ..            | ..            | 857           | ..            | 415           | 949           | 1,070         | 393           | -35           | -223          | -294           | -64           | 75          | 65           |
| Other European Races .. .. .              | ..            | ..            | 279           | 615           | 837           | 376           | 850           | 1,785         | 1,063         | 834           | 107            | -168          | 10          | 54           |
| <b>Total European Race .. .. .</b>        | <b>19,931</b> | <b>39,654</b> | <b>39,488</b> | <b>45,470</b> | <b>39,422</b> | <b>44,845</b> | <b>52,022</b> | <b>29,645</b> | <b>11,644</b> | <b>-7,953</b> | <b>-9,094</b>  | <b>-2,789</b> | <b>487</b>  | <b>2,148</b> |
| <b>NON-EUROPEAN RACES.</b>                |               |               |               |               |               |               |               |               |               |               |                |               |             |              |
| Afghans .. .. .                           | 4             | 1             | 2             | 1             | -2            | ..            | 7             | -2            | ..            | ..            | ..             | -1            | -1          | 2            |
| Armenians .. .. .                         | ..            | ..            | ..            | 3             | 10            | 4             | ..            | -2            | ..            | ..            | ..             | ..            | ..          | ..           |
| Chinese .. .. .                           | -1,209        | -67           | 245           | 24            | -249          | -353          | -600          | -115          | -267          | -529          | -467           | -301          | -413        | -33          |
| Filipino .. .. .                          | ..            | ..            | (c) 29        | 22            | 10            | -6            | 2             | 2             | 2             | -22           | 2              | ..            | ..          | ..           |
| Japanese .. .. .                          | -504          | 62            | -145          | 77            | 43            | 25            | -226          | 56            | 61            | -158          | -492           | 44            | -15         | 26           |
| Javanese, Koepangers and Timorese .. .. . | ..            | ..            | (c) 188       | -111          | 235           | -74           | -214          | -123          | 20            | 19            | -38            | -96           | 138         | -1           |
| Malay .. .. .                             | -276          | 67            | -46           | 12            | 22            | 49            | -29           | 53            | 12            | -38           | -29            | 57            | 34          | 25           |
| Natives of India and Ceylon .. .. .       | ..            | ..            | 36            | -37           | 17            | 14            | 135           | 193           | 137           | 216           | 99             | 27            | -14         | 111          |
| Siamese .. .. .                           | ..            | ..            | 5             | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..             | ..            | ..          | ..           |
| Syrian .. .. .                            | ..            | ..            | 19            | 56            | 142           | 218           | 117           | 185           | 186           | 98            | 19             | 8             | 13          | 5            |
| Other Asiatics .. .. .                    | ..            | ..            | 89            | -122          | 42            | 61            | 65            | 240           | 228           | 60            | -2             | -41           | -40         | -21          |
| Negroes-African .. .. .                   | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..             | ..            | ..          | ..           |
| Negroes-American .. .. .                  | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..             | ..            | ..          | ..           |
| Papuan .. .. .                            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..             | ..            | ..          | ..           |
| Polyesian, Melanesian, etc. .. .. .       | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..             | ..            | ..          | ..           |
| Other Non-European Races .. .. .          | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..            | ..             | ..            | ..          | ..           |
| <b>Total, Non-European Races .. .. .</b>  | <b>-2,406</b> | <b>503</b>    | <b>226</b>    | <b>599</b>    | <b>379</b>    | <b>-62</b>    | <b>-442</b>   | <b>409</b>    | <b>176</b>    | <b>-577</b>   | <b>-1,000</b>  | <b>-208</b>   | <b>-273</b> | <b>132</b>   |
| <b>Total Net Migration .. .. .</b>        | <b>17,525</b> | <b>40,157</b> | <b>39,714</b> | <b>46,069</b> | <b>39,801</b> | <b>44,783</b> | <b>51,580</b> | <b>30,054</b> | <b>11,820</b> | <b>-8,530</b> | <b>-10,094</b> | <b>-2,997</b> | <b>214</b>  | <b>2,280</b> |

Minus sign (-) denotes excess of departures over arrivals.  
(c) Prior to 1928 included in "Other Non-European Races."

(a) Prior to 1923 included in "Other European Races."  
(d) For six months only.

(b) Included in "Other European Races."

No. 34.—Migration : Net Migration(a) according to Racial Origin, Australia.

| Racial Origin.                           | 1933.       | 1934.        | 1935.       | 1936.        | 1937.        | 1938.        | 1939.(b)      | 1940.(b)      | 1941.(b)     | 1942.(b)     | 1943.(b)     | 1944.(b)      | 1945.(b)      | 1946.(b)       | 1947.(b)      |
|------------------------------------------|-------------|--------------|-------------|--------------|--------------|--------------|---------------|---------------|--------------|--------------|--------------|---------------|---------------|----------------|---------------|
| <b>EUROPEAN.</b>                         |             |              |             |              |              |              |               |               |              |              |              |               |               |                |               |
| American (U.S.) .. .. .                  | 8           | 40           | 162         | 110          | 222          | 268          | -41           | -149          | -65          | -89          | 577          | 273           | -80           | -1,506         | 1,070         |
| British (c) .. .. .                      | -134        | 897          | -2,139      | -1,080       | -411         | 739          | 3,330         | 12,177        | 4,867        | 4,646        | -656         | -2,202        | -3,691        | -9,506         | 5,803         |
| Danish .. .. .                           | 15          | 9            | 3           | 11           | 17           | 2            | 27            | 6             | 31           | 26           | 6            | 1             | -10           | -34            | 36            |
| Dutch .. .. .                            | 10          | 14           | 22          | 63           | 25           | 70           | 128           | 149           | 79           | 265          | 161          | 183           | 1,053         | -4,230         | -590          |
| Finnish .. .. .                          | 25          | 18           | 6           | 61           | 25           | 61           | 5             | 3             | ..           | 97           | 39           | ..            | 68            | -9             | 76            |
| French .. .. .                           | 6           | 10           | 6           | 4            | 4            | 27           | -60           | -20           | 89           | ..           | ..           | ..            | ..            | 14             | 76            |
| German (d) .. .. .                       | 58          | 46           | 22          | 158          | 451          | 1,743        | 4,871         | 137           | 61           | 35           | 10           | 4             | 1             | 277            | 277           |
| Greek .. .. .                            | 18          | 116          | 186         | 495          | 1,164        | 842          | 811           | 167           | 71           | 11           | -3           | 10            | -2            | 171            | 1,374         |
| Italian .. .. .                          | 454         | 863          | 1,421       | 913          | 1,815        | 2,626        | 1,897         | 499           | 1            | 4            | 11           | 1             | 29            | -110           | 70            |
| Norwegian .. .. .                        | 13          | 2            | 5           | 7            | 5            | 18           | -8            | 12            | 5            | 8            | 2            | ..            | 4             | 12             | 38            |
| Russian .. .. .                          | 7           | 11           | 16          | 55           | 28           | 292          | 221           | 40            | 18           | 26           | 67           | -11           | 20            | 24             | 196           |
| Spanish .. .. .                          | 6           | ..           | 20          | 7            | 23           | 19           | 8             | ..            | ..           | 1            | ..           | ..            | ..            | 3              | 9             |
| Swedish .. .. .                          | 6           | 17           | 2           | 3            | 3            | 3            | 7             | 11            | 4            | 6            | 7            | ..            | ..            | ..             | ..            |
| Swiss .. .. .                            | 29          | 10           | 20          | 38           | 60           | 32           | 104           | 22            | 11           | 22           | ..           | ..            | 4             | 8              | 29            |
| Yugoslav .. .. .                         | 75          | 65           | 179         | 233          | 439          | 535          | 297           | 96            | ..           | 2            | ..           | ..            | 3             | 2              | 40            |
| Other European .. .. .                   | 55          | 99           | 86          | 234          | 1,001        | 1,451        | 2,161         | 496           | 153          | 23           | 238          | -19           | ..            | 350            | (e)3,051      |
| <b>Total European .. .. .</b>            | <b>487</b>  | <b>2,148</b> | <b>-98</b>  | <b>1,292</b> | <b>4,961</b> | <b>8,592</b> | <b>13,748</b> | <b>13,640</b> | <b>5,237</b> | <b>5,085</b> | <b>429</b>   | <b>-1,703</b> | <b>-2,728</b> | <b>-14,669</b> | <b>11,235</b> |
| <b>NON-EUROPEAN.</b>                     |             |              |             |              |              |              |               |               |              |              |              |               |               |                |               |
| Chinese .. .. .                          | -413        | -33          | -49         | -87          | -48          | -303         | 67            | -162          | 65           | 1,019        | 102          | -391          | 99            | -316           | -597          |
| Filipino .. .. .                         | 4           | 4            | 2           | 4            | 4            | 5            | 12            | 1             | 9            | -30          | 4            | 46            | ..            | 5              | 27            |
| Indian and Cingalese .. .. .             | 14          | 111          | 9           | 79           | 35           | 81           | 9             | 77            | 56           | -4           | -15          | 63            | 51            | -36            | 155           |
| Japanese .. .. .                         | 15          | 26           | 12          | 53           | 14           | 11           | -45           | -60           | -258         | -30          | -1           | 1             | 1             | -10            | 1             |
| Javanese, Koepanger and Timorese .. .. . | 128         | 1            | 148         | 85           | 28           | -8           | -20           | -7            | 1            | 37           | 257          | -166          | -76           | -231           | -12           |
| Malay .. .. .                            | 34          | 25           | 3           | 18           | 18           | -12          | -3            | -5            | 7            | 1            | 2            | ..            | ..            | 61             | 7             |
| Syrian .. .. .                           | 12          | 25           | 30          | 19           | 49           | 84           | 64            | -3            | 2            | 2            | 4            | 2             | 1             | 14             | 19            |
| Other Asiatic .. .. .                    | 21          | 4            | 69          | 24           | 56           | 68           | 73            | 47            | 87           | 43           | 506          | 4             | 20            | 128            | 69            |
| Papuan .. .. .                           | 34          | 39           | 11          | 31           | 5            | -3           | -6            | -2            | 9            | 30           | 2            | ..            | ..            | 5              | 22            |
| Polyesian, Melanesian, etc. .. .. .      | 15          | 22           | 7           | 30           | 27           | 10           | -31           | 30            | -13          | 11           | 17           | -19           | ..            | 6              | 1             |
| Other Non-European .. .. .               | 1           | 4            | 5           | 11           | 4            | 16           | 21            | ..            | 12           | 2            | ..           | ..            | 7             | 10             | 8             |
| <b>Total, Non-European .. .. .</b>       | <b>-273</b> | <b>132</b>   | <b>-191</b> | <b>205</b>   | <b>242</b>   | <b>545</b>   | <b>143</b>    | <b>-240</b>   | <b>-53</b>   | <b>1,081</b> | <b>842</b>   | <b>-480</b>   | <b>99</b>     | <b>-479</b>    | <b>-624</b>   |
| <b>Total Net Migration .. .. .</b>       | <b>214</b>  | <b>2,280</b> | <b>-289</b> | <b>1,497</b> | <b>5,203</b> | <b>9,137</b> | <b>13,591</b> | <b>13,400</b> | <b>5,184</b> | <b>6,166</b> | <b>1,271</b> | <b>-2,183</b> | <b>-2,629</b> | <b>-15,148</b> | <b>10,611</b> |

(a) Excess of total arrivals over total departures.

(b) Excludes troop movements for the period September, 1939, to June, 1947.

(c) Includes Maltese and Cypriote.

(d) Includes Austrian.

(e) Mainly Polish and Baltic races.

NOTE.—Minus sign (-) denotes excess of departures over arrivals. See also Note to previous table.

Source: Australia, "Australian Demography", Commonwealth Bureau of Census and Statistics, Bulletin No. 52, Canberra, February 19, 1936, p. 26; Australia, "Australian Demography", Commonwealth Bureau of Census and Statistics, Bulletin No. 66, Canberra, August 16, 1950, p. 32.



#### Appendix 4. Multiculturalism Policy Structure in Canada

|           | Policy                                                                        | Legislation                                                                                                                                              | Ministry                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Advisory Body                                                                                                                        | Annual Report    |
|-----------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>CA</b> | Policy of Multiculturalism (1971)<br>Multiculturalism Policy of Canada (1988) | <i>Canadian Multiculturalism Act</i> (1988)                                                                                                              | Department of Secretary of State (1972-91)<br>Department of Multiculturalism and Citizenship (1991-93)<br>Department of Canadian Heritage (1993-2008)<br>Department of Citizenship and Immigration (2008-2015)<br>Department of Canadian Heritage (2015-)                                                                                                                                                                                                                                                                                                                                                       | Canadian Consultative Council on Multiculturalism (1974-83)<br>Canadian Multicultural Council (1984-94)                              | Yes (since 1998) |
| <b>AB</b> | Policy of Multiculturalism (1973)                                             | <i>Alberta Multiculturalism Act</i> (1990)<br><i>Human Rights, Citizenship and Multiculturalism Act</i> (1996)<br><i>Alberta Human Rights Act</i> (2009) | Department of Culture, Youth and Recreation (1973-86)<br>Department of Culture and Multiculturalism (1987-96)<br>Department of Community Development (1996-2009)<br>Department of Justice and Solicitor General (2009-)                                                                                                                                                                                                                                                                                                                                                                                         | Alberta Multicultural Commission (1987-89)<br>Multiculturalism Advisory Council (1990-99)<br>Alberta Human Rights Commission (2000-) | No               |
| <b>BC</b> | Multiculturalism Policy (1993)                                                | <i>Multiculturalism Act</i> (1993)                                                                                                                       | Ministry of Education (1993-94)<br>Ministry of the Environment, Lands and Parks (1994-95)<br>Ministry of Government Services (1995-96)<br>Ministry of the Attorney General (1996-99)<br>Ministry of Multiculturalism and Immigration (2000-01)<br>Ministry of Community, Aboriginal, and Women's Services (2001-05)<br>Ministry of the Attorney General (2005-08)<br>Ministry of Citizen's Services (2008-09)<br>Ministry of Social Development (2009-10)<br>Ministry of Jobs, Tourism and Innovation (2010-11)<br>Ministry of International Trade (2011-17)<br>Ministry of Tourism, Arts and Culture (2017-18) | Advisory Council on Multiculturalism (1992-2002)<br>Multicultural Advisory Council (2003-)                                           | Yes              |

|           |                                           |                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                        |     |
|-----------|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>MB</b> | Policy for a Multicultural Society (1990) | <i>The Manitoba Intercultural Council Act</i> (1984)<br><i>The Manitoba Multiculturalism Act</i> (1992)<br><i>The Manitoba Advisory Council on Citizenship, Immigration and Multiculturalism Act</i> (2015) | Multicultural Secretariat (1990-2018)<br>Department of Culture, Heritage and Recreation (1990-93)<br>Department of Culture, Heritage and Citizenship (1993-2000)<br>Department of Labour (2000-02)<br>Department of Labour and Immigration (2002-09)<br>Department of Culture, Heritage and Tourism (2009-12)<br>Department of Immigration and Multiculturalism (2012-14)<br>Department of Multiculturalism and Literacy (2014-16)<br>Department of Sport, Culture and Heritage (2016-) | Manitoba Intercultural Council (1984)<br>Multicultural Grants Advisory Council (1989)<br>Manitoba Advisory Council on Citizenship, Immigration and Citizenship (2013-) | Yes |
| <b>NB</b> | Policy on Multiculturalism (1986)         | None                                                                                                                                                                                                        | Department of Post-Secondary Education, Training and Labour                                                                                                                                                                                                                                                                                                                                                                                                                             | New Brunswick Multicultural Council (1984-2018)                                                                                                                        | No  |
| <b>NL</b> | Policy on Multiculturalism (2008)         | None                                                                                                                                                                                                        | Department of Advanced Education, Skills and Labour (2008-)                                                                                                                                                                                                                                                                                                                                                                                                                             | Newfoundland and Labrador Multicultural and Folk Arts Council (1979)                                                                                                   | No  |
| <b>NS</b> | None                                      | <i>Multiculturalism Act</i> (1989)                                                                                                                                                                          | Department of Tourism and Culture (1989-2003)<br>Department of Tourism, Culture and Heritage (2003-13)<br>Department of Communities, Culture and Heritage (2013-)                                                                                                                                                                                                                                                                                                                       | Multicultural Association of Nova Scotia (1989-2017)                                                                                                                   | No  |
| <b>ON</b> | Multicultural Policy (1977)               | <i>Ministry of Citizenship and Culture Act</i> (1982)                                                                                                                                                       | Ministry of Citizenship and Culture (1982-1987)<br>Ministry of Citizenship (1987-1995)<br>Ministry of Citizenship, Culture and Recreation (1995-2001)<br>Ministry of Citizenship (2001-2003)<br>Ministry of Citizenship and Immigration (2003-2018)                                                                                                                                                                                                                                     | Ontario Advisory Council on Multiculturalism and Citizenship (1982-1997)                                                                                               | No  |

|           |                                                                                                                                                                                                                                                |                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                           |    |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|----|
| <b>PE</b> | Provincial Multicultural Policy (1988)                                                                                                                                                                                                         | None                                                                                                                                                  | Department of Community, Cultural Affairs and Labour (1988-2010)                                                                                                                                                                                                                                                                                                                                                                                                                                                            | PEI Multicultural Council (1988-2018)                                                                                     | No |
| <b>QC</b> | Autant de façons d'être Québécois (1981)<br>Déclaration sur les relations interethniques et interraciales (1986)<br>Au Québec pour bâtir ensemble (1990)<br>La diversité : une valeur ajoutée (2008)<br>Ensemble, nous sommes le Québec (2016) | <i>Loi sur le conseil des relations interculturelles (1984)</i><br><i>Loi sur le ministère de l'immigration et des communautés culturelles (2005)</i> | Ministère des Communautés culturelles et de l'Immigration du Québec (1990)<br>Ministère de l'Immigration and des Communautés culturelles (2008)<br>Ministère de l'Immigration, de la Diversité et de l'Inclusion (2016)                                                                                                                                                                                                                                                                                                     | Conseil des Communautés culturelles et de l'Immigration (1984-1997)<br>Conseil des relations interculturelles (1997-2010) | No |
| <b>SK</b> | Multiculturalism Policy (1997)                                                                                                                                                                                                                 | <i>The Saskatchewan Multiculturalism Act (1974)</i><br><i>The Multiculturalism Act (1997)</i>                                                         | Department of Culture and Youth (1974-1983)<br>Department of Culture and Recreation (1983-1987)<br>Department of Culture, Multiculturalism and Recreation (1989-1991)<br>Department of Community Services (1991-1993)<br>Department of Municipal Government (1993-1995)<br>Department of Municipal Affairs, Culture and Housing (1995-2001)<br>Department of Culture, Youth and Recreation (2001-2007)<br>Department of Tourism, Parks, Culture and Sport (2007-2012)<br>Department of Parks, Culture and Sport (2012-2018) | Saskatchewan Multicultural Advisory Council (1974-1975)<br>Multicultural Council of Saskatchewan (1975-)                  | No |

## Appendix 5. Multiculturalism Policy Structure in Australia

|     | Policy                                                                                                                                                                                                       | Legislation                                                                                                                                                               | Ministry                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Advisory Body                                                                                                                                                                                                                                                                                                     | Annual Report |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| AU  | National Agenda for a Multicultural Australia (1989)<br>New Agenda for a Multicultural Australia (1999)<br>United in Diversity (2003)<br>The People of Australia (2011)<br>United, Strong, Successful (2017) | None                                                                                                                                                                      | Department of Immigration and Ethnic Affairs (1975-87)<br>Department of Immigration, Local Government and Ethnic Affairs (1988-93)<br>Department of Immigration and Ethnic Affairs (1993-96)<br>Department of Immigration and Multicultural Affairs (1996-2001)<br>Department of Immigration, Multicultural and Indigenous Affairs (2001-06)<br>Department of Immigration and Multicultural Affairs (2006-07)<br>Department of Immigration and Citizenship (2007-13)<br>Department of Immigration and Border Protection (2013-17)<br>Department of Home Affairs (2017-) | Australian Institute of Multicultural Affairs (1979-87)<br>Office of Multicultural Affairs (1987-1996)<br>National Multicultural Advisory Council (1994-2000)<br>Council for Multicultural Australia (2000-08)<br>Australian Multicultural Advisory Council (2008-11)<br>Australian Multicultural Council (2011-) | No            |
| ACT | ACT Multicultural Strategy (2010-13)<br>ACT Multicultural Framework (2015-20)                                                                                                                                | None                                                                                                                                                                      | Department of Social Services (2010-)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ACT Multicultural Advisory Council (2017-)                                                                                                                                                                                                                                                                        | No            |
| NSW | Charter of Principles for a Culturally Diverse Society (1993)<br>Harmony in Action (2014)                                                                                                                    | <i>Ethnic Affairs Commission Act</i> (1976)<br><i>Community Relations Commission and Principles of Multiculturalism Act</i> (2000)<br><i>Multicultural NSW Act</i> (2014) | Department of Premier and Cabinet (1976-2008)<br>Department of Family and Community Services (2009-19)<br>Department of Communities and Justice (2019)                                                                                                                                                                                                                                                                                                                                                                                                                  | Ethnic Affairs Commission (1976-99)<br>Community Relations Commission (2000-2013)<br>Multicultural NSW (2014-)                                                                                                                                                                                                    | Yes           |

|     |                                                                                              |                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                              |     |
|-----|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-----|
| NT  | Building on the Territory's Diversity (2005)<br>Multicultural Participation Framework (2016) | None                                                                                                                                                 | Northern Territory Government (2005-)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Advisory Council on Multicultural Affairs                                                                                    | No  |
| QLD | A multicultural future for all of us (2011)<br>Our story, our future (2016)                  | <i>Multicultural Recognition Act</i> (2016)                                                                                                          | Department of Communities (2011-15)<br>Department of Communities, Child Safety and Disability Services (2015-17)<br>Department of Local Government, Racing and Multicultural Affairs (2017-)                                                                                                                                                                                                                                                                                                                                                                       | Multicultural Queensland Advisory Council (2016-)                                                                            | Yes |
| SA  | Declaration of Principles for a Multicultural South Australia (1996)                         | <i>South Australian Ethnic Affairs Commission Act</i> (1980-1988)<br><i>South Australian Multicultural and Ethnic Affairs Commission Act</i> (1989-) | Department of Local Government (1980-81)<br>Department of Immigration and Ethnic Affairs (1981-82)<br>Attorney-General's Department (1983-89)<br>Office of Multicultural and Ethnic Affairs (1990-93)<br>Department of the Premier and Cabinet (1994-2001)<br>Attorney-General's Department (2002-10)<br>Department for Aboriginal Affairs and Reconciliation, Multicultural Affairs, Youth and Volunteers (2011-12)<br>Department of Education (2012-13)<br>Department of Communities and Social Inclusion (2014-18)<br>Department of Premier and Cabinet (2019-) | South Australian Ethnic Affairs Commission (1980-88)<br>South Australian Multicultural and Ethnic Affairs Commission (1989-) | Yes |
| TAS | Tasmanian Multicultural Policy (2014)<br>Our Multicultural Island (2019)                     | None                                                                                                                                                 | Department of Premier and Cabinet (2014-)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Multicultural Consultative Reference Group (2018-)                                                                           | No  |

|     |                                                                                                                                  |                                                                                                                                                                                                                       |                                                                                                            |                                                                                                                   |     |
|-----|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-----|
| VIC | All of Us (2008)<br>Victoria's<br>Advantage: Unity,<br>Diversity,<br>Opportunity (2012)<br>Victorian. And<br>Proud of it. (2017) | <i>Ethnic Affairs<br/>Commission Act</i><br>(1982)<br><i>Victorian<br/>Multicultural<br/>Commission Act</i><br>(1996)<br><i>Multicultural Victoria<br/>Act</i> (2004)<br><i>Multicultural Victoria<br/>Act</i> (2011) | Department of Premier<br>and Cabinet (1982-)                                                               | Ethnic Affairs<br>Commission<br>(1982-1995)<br>Victorian<br>Multicultural<br>Commission<br>(1996-)                | Yes |
| WA  | WA Charter of<br>Multiculturalism<br>(2004)                                                                                      | <i>Multicultural and<br/>Ethnic Affairs<br/>Commission</i> (1983-<br>92)                                                                                                                                              | Department of Premier<br>and Cabinet (1983-92<br>& 2004-2009)<br>Department of Local<br>Government (2010-) | Multicultural and<br>Ethnic Affairs<br>Commission<br>(1983-92)<br>Office of<br>Multicultural<br>Interests (2010-) | No  |

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