

[Act 1996 No 88]



New South Wales

# Ethnic Affairs Commission Amendment Bill 1996

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.\*

### Overview of Bill

The object of this Bill is to amend the *Ethnic Affairs Commission Act 1979* (the *Principal Act*) so as:

- (a) to endorse certain principles of cultural diversity, and
- (b) to enhance the objects and functions of the Ethnic Affairs Commission (the Commission), and
- (c) to provide for ethnic affairs agreements between public authorities and the Commission, and
- (d) to require the preparation by the Commission of ethnic affairs reports on an annual basis.

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\* Amended in committee—see table at end of volume.

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## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Ethnic Affairs Commission Act 1979* set out in Schedule 1.

### Schedule 1 Amendments

**Schedule 1 [1]** inserts proposed section 3 (Principles of cultural diversity).

Proposed section 3 (1) provides that Parliament recognises and values the cultural diversity of the people of New South Wales, and accordingly endorses the following four principles of cultural diversity:

**Principle 1**

All individuals in New South Wales should have the greatest possible opportunity to contribute to, and participate in, all aspects of public life.

**Principle 2**

All individuals and public institutions should respect and accommodate the culture, language and religion of others within an Australian legal and institutional framework where English is the primary language.

**Principle 3**

All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided or administered by the Government of New South Wales.

**Principle 4**

All public institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State.

Proposed section 3 (2) provides that each public authority should observe the principles of cultural diversity in conducting its affairs.

Proposed section 3 (3) explains the concept of cultural diversity. Cultural diversity reflects the whole population of New South Wales, which comprises people from a range of cultural, ethnic, linguistic and religious backgrounds.

**Schedule 1 [2]** inserts a definition of *cultural diversity* into section 5 of the Principal Act. The proposed definition refers to the explanation in proposed section 3 (3).

**Schedule 1 [3]** replaces the definition of *public authority* in section 5 of the Principal Act to specifically include government departments and statutory bodies that are subject to annual reporting legislation and to include bodies or classes of bodies that are prescribed by the regulations.

**Schedule 1 [4]** and **[10]** make amendments that are consequential on the replacement of the definition of *public authority* by item [3].

**Schedule 1 [5]** inserts proposed section 15 (d) in the Principal Act to expand the objects of the Commission to include the object of promoting the social, cultural and economic benefits of a culturally diverse society.

**Schedule 1 [6]** replaces section 16 (c) of the Principal Act so that the functions of the Commission include the provision of services approved by the Minister, regardless of whether the services are provided to an ethnic group.

**Schedule 1 [7]** makes an amendment that is consequential on the insertion of additional paragraphs by item [8].

**Schedule 1 [8]** inserts proposed section 16 (h) and (i) to extend the functions of the Commission to include:

- initiating, negotiating, entering into and assisting the implementation of ethnic affairs agreements with public authorities, and
- assessing the effectiveness of public authorities in implementing the Government's ethnic affairs policies.

**Schedule 1 [9]** inserts proposed section 17, which requires the Commission to prepare a report on the status of ethnic affairs in New South Wales each calendar year, commencing with 1997. The report is to be furnished to the Minister by the end of February after the relevant calendar year. The Minister is to lay a copy of the report before each House of Parliament within 14 sitting days of the House after receiving the report. Provision is made for presenting a copy of the report to the Clerk of the House if the House is not sitting.

**Schedule 1 [11]** inserts proposed section 21A, which provides that nothing in proposed section 3 endorsing the principles of cultural diversity gives rise to, or can be taken into account in, any civil cause of action. The provision, which is identical to provisions included in other legislation, ensures that, while the principles are endorsed and should be observed by public authorities, they cannot be taken into account in any civil legal proceedings and do not give rise to separately enforceable rights.