

[Act 2000 No 77]



New South Wales

Community Relations Commission and Principles of Multiculturalism Bill 1999

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to recognise that the people of New South Wales are of different linguistic, religious, racial and ethnic backgrounds, and
- (b) to promote the equal rights and responsibilities of all the people of New South Wales within a cohesive and harmonious multicultural society in which diversity is regarded as a strength and an asset, individuals share a commitment to Australia, and English is the common language.

The Bill:

- (a) establishes principles of multiculturalism based on citizenship as the policy of

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

the State (previously the principles of cultural diversity), including the recognition of the importance of shared values within a democratic framework and an overarching and unifying commitment to Australia, its interests and future, and

- (b) replaces the Ethnic Affairs Commission with a Community Relations Commission and provides for its objectives and functions, and
- (c) makes changes to the membership and procedure of the Commission, including reducing the size of the Commission from 15 commissioners to not more than 9 commissioners and providing for the appointment of either a full-time or part-time Chairperson, and
- (d) makes provision for the appointment of regional advisory councils, and
- (e) retains other provisions that currently apply to the Ethnic Affairs Commission.

The Bill replaces the *Ethnic Affairs Commission Act 1979*.

Outline of provisions

Part 1 Preliminary

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 continues the following principles (to be called *the principles of multiculturalism*) as the policy of the State:

(a) **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.

(b) **Principle 2**

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

(c) **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.

(d) **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.

The clause recognises that those principles are based on citizenship, namely, the rights and responsibilities of all people in a multicultural society in which there is a recognition of the importance of shared values within a democratic framework governed by the rule of law, and an overarching and unifying commitment to Australia, its interests and future. Accordingly, for that purpose, citizenship is not limited to formal Australian citizenship.

Clause 4 defines terms and expressions used in the proposed Act.

Clause 5 provides that notes in the proposed Act are not part of the Act.

Part 2 Constitution of Commission

Clause 6 constitutes the Community Relations Commission of New South Wales as a corporation that represents the Crown and is subject to Ministerial control.

Clause 7 provides for the membership and procedure of the Commission. The Commission is to consist of not more than 9 commissioners. One of the commissioners is to be either a full-time or a part-time Chairperson.

Clause 8 provides that a full-time Chairperson is the chief executive officer holding office under Part 2 of the *Public Sector Management Act 1988*. If there is no full-time Chairperson, one of the part-time commissioners is to be appointed as Chairperson.

Clause 9 provides for the employment of public service staff to assist the Commission.

Clause 10 authorises the Commission to appoint regional advisory councils for regional areas of the State. The councils are to comprise representatives of relevant local or regional agencies, community organisations or individuals and a commissioner (who is to be the chairperson of the council).

Clause 11 authorises the Commission to establish standing or special committees.

Part 3 Objectives and functions of Commission

Clause 12 sets out the objectives of the Commission.

Clause 13 sets out the functions of the Commission. The functions include:

- (a) consultation with people and groups with respect to its objectives, and
- (b) providing advice, recommendations and reports to the Minister on matters relating to its objectives (including in relation to the allocation of relevant government funding), and
- (c) facilitating co-operative arrangements involving governmental, business, educational and community groups or bodies to promote its objectives, and
- (d) entering into agreements with public authorities in connection with their functions to promote the objectives of the Commission, and assisting and assessing the effectiveness of public authorities in observing the principles of multiculturalism in the conduct of their affairs, and
- (e) providing interpreter or other services approved by the Minister, and
- (f) encouraging eligible people to become Australian citizens, and
- (g) advising and making recommendations to the Anti-Discrimination Board on matters relating to discrimination and racial vilification.

Clause 14 requires the Commission to present an annual report to Parliament on the state of community relations in New South Wales, including an assessment of the effectiveness of public authorities in observing the principles of multiculturalism in the conduct of their affairs.

Clause 15 requires public authorities to assist the Commission in connection with any investigation conducted by the Commission.

Clause 16 enables the Commission to delegate its functions to the Chairperson.

Part 4 Miscellaneous

Clause 17 provides that the proposed Act binds the Crown.

Clause 18 deals with the financial year of the Commission.

Clause 19 enables the Commission to recover unpaid charges as debts.

Explanatory note

Clause 20 provides for the service of documents on the Commission.

Clause 21 exculpates commissioners and others from personal liability arising from the exercise in good faith of their functions under the proposed Act.

Clause 22 ensures that the principles of multiculturalism cannot give rise to, or be taken into account in, any civil cause of action.

Clause 23 empowers the making of regulations under the proposed Act.

Clause 24 gives effect to the Schedule of consequential amendments of other Acts and regulations.

Clause 25 repeals the *Ethnic Affairs Commission Act 1979* and the regulation made under that Act.

Clause 26 gives effect to the Schedule of savings, transitional and other provisions.

Clause 27 provides for a review of the proposed Act after 5 years.

Schedules

Schedule 1 contains provisions relating to the commissioners.

Schedule 2 contains provisions relating to the procedure of the Commission.

Schedule 3 contains consequential amendments of other Acts and regulations.

Schedule 4 contains savings, transitional and other provisions, including provisions that appoint the existing Chairperson and part-time commissioners of the Ethnic Affairs Commission to the new Commission for the balance of their existing terms of office.