

Multicultural NSW Act 2000 No 77

[2000-77]



New South Wales

Status Information

Currency of version

Current version for 1 July 2021 to date (accessed 2 May 2024 at 4:31)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
Community Relations Commission and Principles of Multiculturalism Act 2000
- **Editorial note**
The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-dashes (em-dashes). Text of the legislation is not affected.

This version has been updated.

Responsible Minister

- Minister for Multiculturalism

For full details of Ministerial responsibilities, see the [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#).

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 July 2021

Multicultural NSW Act 2000 No 77



New South Wales

Contents

Long title	4
Preamble	4
Part 1 Preliminary	4
1 Name of Act	4
2 Commencement	4
3 Multicultural principles	4
4 Definitions	5
5 Notes	6
Part 2 Constitution of Multicultural NSW and Advisory Board	6
6 Constitution of Multicultural NSW	6
7 Chief Executive Officer	7
8 Constitution of Advisory Board	7
9 (Repealed)	7
10 Regional advisory councils	7
11 Other committees	8
Part 3 Objectives and functions of Multicultural NSW and the Advisory Board	
12 Objectives of Multicultural NSW	8
13 Functions of Multicultural NSW	8
13A Functions of Advisory Board	10

14 Reporting on the state of community relations	10
15 Public authorities to assist Multicultural NSW	11
16 Delegation of functions of Multicultural NSW	11
Part 4 Miscellaneous	11
17 Act to bind Crown	11
18 Financial year	11
19 Recovery of money by Multicultural NSW	12
20 Service of documents on Multicultural NSW	12
21 Personal liability	12
22 Legal consequences of multicultural principles	12
23 Regulations.....	12
24 (Repealed)	13
25 Repeals.....	13
26 Savings, transitional and other provisions.....	13
27 Review of Act.....	13
Schedule 1 Provisions relating to members of the Advisory Board	13
Schedule 2 Provisions relating to procedure of Advisory Board.....	16
Schedule 3 (Repealed)	18
Schedule 4 Savings, transitional and other provisions	18

Multicultural NSW Act 2000 No 77



New South Wales

An Act to establish multicultural principles as the policy of the State; to constitute Multicultural NSW; to provide for its objectives and functions; to repeal the [Ethnic Affairs Commission Act 1979](#) and to amend certain other Acts and regulations; and for other purposes.

Preamble

This Act—

- (a) promotes the equal rights and responsibilities of all the people of New South Wales within a cohesive and multicultural society in which—
 - (i) individuals share a commitment to New South Wales and to Australia, and
 - (ii) diversity is regarded as a strength and an asset, and
 - (iii) English is the common language, and
- (b) recognises and values the different linguistic, religious and ancestral backgrounds of the people of New South Wales.

The Legislature of New South Wales therefore enacts:

Part 1 Preliminary

1 Name of Act

This Act is the [Multicultural NSW Act 2000](#).

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Multicultural principles

(1) The **multicultural principles** are as follows—

- (a) all individuals in New South Wales, irrespective of their linguistic, religious and ancestral backgrounds, should demonstrate a unified commitment to Australia, its

interests and future,

- (b) all individuals in New South Wales should recognise the importance of shared values governed by the rule of law within a democratic framework,
 - (c) the people of New South Wales are of different linguistic, religious and ancestral backgrounds who, either individually or in community with other members of their respective groups, are free to profess, practise and maintain their own linguistic, religious and ancestral heritage,
 - (d) all individuals and 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,
 - (e) all individuals in New South Wales should have the greatest possible opportunity to—
 - (i) contribute to, and participate in, all aspects of public life in which they may legally participate, and
 - (ii) make use of, and participate in, relevant activities and programs provided or administered by the Government of New South Wales,
 - (f) all 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.
- (2) Parliament recognises that the multicultural principles are based on citizenship. The expression **citizenship** is not limited to formal Australian citizenship, but refers to the rights and responsibilities of all people in a multicultural society.
- (2A) In this Act, a **commitment to Australia** includes a commitment to the common values and things that bind Australians together (such as a volunteering ethos, participation in Australian national days and events and recognition of the heritage of Australia's Aboriginal and Torres Strait Islander people).
- (3) The multicultural principles are the policy of the State.
- (4) Accordingly, each public authority must observe the multicultural principles in conducting its affairs.
- (5) It is the duty of the chief executive officer of each public authority to implement the provisions of this section within the area of his or her administration.

4 Definitions

In this Act—

Advisory Board means the Advisory Board of Multicultural NSW established under this

Act.

Chairperson means the person appointed under this Act as the Chairperson of the Advisory Board.

Chief Executive Officer means the Chief Executive Officer of Multicultural NSW.

citizenship—see section 3 (2).

commitment to Australia—see section 3 (2A).

cultural diversity means the different linguistic, religious and ancestral backgrounds of the people of New South Wales.

exercise a function includes perform a duty.

function includes a power, authority or duty.

Multicultural NSW means Multicultural NSW constituted by this Act.

multicultural principles—see section 3.

public authority means any public or local authority constituted by or under an Act, and includes a Government department, a statutory State owned corporation, a local council, a body whose accounts are required to be audited by the Auditor General or any other body prescribed by the regulations.

5 Notes

Notes included in this Act do not form part of this Act.

Part 2 Constitution of Multicultural NSW and Advisory Board

6 Constitution of Multicultural NSW

- (1) There is constituted by this Act a corporation with the corporate name of Multicultural NSW.
- (2) Multicultural NSW is, for the purposes of any Act, a statutory body representing the Crown.
- (3) Multicultural NSW is subject to the control and direction of the Minister, except in relation to the contents of any advice, report or recommendation given to the Minister or any other person or body.
- (4) The functions of Multicultural NSW are exercisable by the Chief Executive Officer, and any act, matter or thing done in the name of, or on behalf of, Multicultural NSW by the Chief Executive Officer, or with the authority of the Chief Executive Officer, is taken to have been done by Multicultural NSW.

7 Chief Executive Officer

The Chief Executive Officer of Multicultural NSW is the person employed in the Public Service as the Chief Executive Officer.

8 Constitution of Advisory Board

- (1) There is to be an Advisory Board of Multicultural NSW.
- (2) The Advisory Board is to consist of the Chief Executive Officer and not more than 15 part-time members appointed by the Governor, of whom—
 - (a) one is to be a person appointed as Chairperson of the Advisory Board by the member's instrument of appointment or a further instrument signed by the Governor, and
 - (b) 2 are to be persons who are not less than 18 years old and not more than 24 years old when appointed and who are appointed as representatives of youth from New South Wales.

Note—

Schedule 1 sets out further provisions relating to the members of the Advisory Board and Schedule 2 contains provisions about the procedure of the Advisory Board.

- (3) In recommending the appointment of a person as a member of the Advisory Board, the Minister is to have regard to the desirability of having members who are of diverse backgrounds, of different occupational backgrounds and who ordinarily reside in different parts of the State.

9 (Repealed)

10 Regional advisory councils

- (1) Multicultural NSW is to establish regional advisory councils for regional areas of the State.
- (2) The function of a regional advisory council is to advise Multicultural NSW on any matter relating to the functions of Multicultural NSW that the council considers appropriate or that Multicultural NSW refers to the council for advice.
- (3) A regional advisory council is to comprise representatives of relevant local or regional agencies, community organisations or individuals and a member of the Advisory Board (who is to be the chairperson of the council). The composition of a regional advisory council is to reflect the diversity of the local community concerned.
- (4) The procedure for the calling of meetings of a regional advisory council and for the conduct of business at those meetings is to be as determined by Multicultural NSW or (subject to any determination of Multicultural NSW) by the council.

11 Other committees

- (1) Multicultural NSW may establish standing committees to assist it in connection with the exercise of any of its functions or special committees to consider and report on particular issues.
- (2) The procedure for the calling of meetings of a committee established under this section and for the conduct of business at those meetings is to be determined by Multicultural NSW or (subject to any determination by Multicultural NSW) by the committee.

Part 3 Objectives and functions of Multicultural NSW and the Advisory Board

12 Objectives of Multicultural NSW

The objectives of Multicultural NSW are as follows—

- (a) to promote the equal rights and responsibilities of citizenship,
- (b) to promote the unity, and strong commitment to Australia, of all people in a cohesive and harmonious multicultural society,
- (c) to promote the participation of the people of New South Wales in community life and the public decision-making process so that they can exercise their rights and fulfil their obligations,
- (d) to promote access to government and community services that is equitable and that has regard to the linguistic, religious and ancestral diversity of the people of New South Wales,
- (e) to promote a cohesive and harmonious multicultural society with mutual respect for and understanding of cultural diversity, including by combating racism,
- (f) to promote the enrichment of all sections of society through the benefits of cultural diversity,
- (g) to promote the multicultural principles and the advantages of a multicultural society,
- (h) to promote social justice, community development and community initiatives for all the diverse communities in New South Wales.

13 Functions of Multicultural NSW

- (1) The functions of Multicultural NSW are as follows—
 - (a) to undertake systematic and wide-ranging consultation with people and groups with respect to its objectives and to arrange and participate in forums to promote its objectives,

- (b) to advise and make recommendations to the Minister to promote any of its objectives,
- (c) to research or investigate and report to the Minister on any matter relating to its objectives that Multicultural NSW considers appropriate or that the Minister refers to Multicultural NSW for research or investigation and report,
- (d) to facilitate co-operative arrangements involving governmental, business, educational and community groups or bodies to promote its objectives,
- (e) to enter into agreements with public authorities in connection with their functions to promote the objectives of Multicultural NSW (including, but not limited to, the objective relating to access to government services),
- (f) to provide a single coordination point for integrated responses to issues associated with cultural diversity and to assist in resolving issues associated with cultural diversity,
- (g) to assist and develop programs for, and assess the effectiveness of, public authorities in observing the multicultural principles in the conduct of their affairs, particularly in connection with the delivery of government services, so as to facilitate consistency across authorities on issues associated with cultural diversity,

Note—

For example, under the Multicultural Policies and Services Program of Multicultural NSW, government agencies are required to implement a multicultural plan.

- (h) to provide (whether within or outside New South Wales) interpreter, translation or other services approved by the Minister,
- (i) to advise the Minister on the most effective use of funds appropriated by Parliament for programs related to its objectives (including funds for the provision of resources to community groups that promote the objectives of Multicultural NSW),
- (j) to support community initiatives that promote the objectives of Multicultural NSW (including initiatives that support women and girls and other groups of diverse backgrounds) and to promote community engagement for the purposes of promoting those objectives,
- (k) to encourage eligible people to become Australian citizens,
- (l) to advise and make recommendations to the Anti-Discrimination Board on matters relating to discrimination and racial vilification and to refer matters relating to discrimination and racial vilification to the Anti-Discrimination Board,
- (m) any other functions that are conferred or imposed on it by or under this or any

other Act.

- (2) Persons may be employed in the Public Service under the [Government Sector Employment Act 2013](#) to enable Multicultural NSW to exercise its functions.

Note—

Section 59 of the [Government Sector Employment Act 2013](#) provides that the persons so employed (or whose services Multicultural NSW makes use of) may be referred to as officers or employees, or members of staff, of Multicultural NSW. Section 47A of the [Constitution Act 1902](#) precludes Multicultural NSW from employing staff.

13A Functions of Advisory Board

The functions of the Advisory Board are as follows—

- (a) to advise Multicultural NSW or the Minister on any issue relating to the objectives or strategic directions of Multicultural NSW it considers appropriate or that is referred to it by Multicultural NSW or the Minister,
- (b) to review and provide advice to Multicultural NSW on the annual report by Multicultural NSW on the state of community relations in New South Wales.

14 Reporting on the state of community relations

- (1) Multicultural NSW is to prepare a report, for each financial year, on the state of community relations in New South Wales as affected by cultural diversity, including an assessment of the effectiveness of public authorities in observing the multicultural principles in the conduct of their affairs.
- (2) The report may include recommendations of Multicultural NSW in relation to any relevant matters.
- (3) A report in relation to a financial year of Multicultural NSW is to be furnished to the Minister before the end of February in the year following the year to which the report relates.
- (4) The Minister is to lay, or cause to be laid, a copy of the report before each House of Parliament within 14 sitting days of the House after receiving the report.
- (5) If a House of Parliament is not sitting when the Minister seeks to have a copy of the report laid before the House, the Minister may present a copy of the report to the Clerk of that House.
- (6) The report, if presented to the Clerk—
 - (a) is, on presentation, and for all purposes, taken to have been laid before the House, and
 - (b) may be printed by the authority of the Clerk, and

- (c) if printed by authority of the Clerk, is for all purposes taken to be a document published by or under the authority of the House, and
- (d) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after presentation of the report to the Clerk.

15 Public authorities to assist Multicultural NSW

- (1) This section applies to any investigation conducted by Multicultural NSW under this Act that affects the functions of a public authority.
- (2) The public authority is to give Multicultural NSW all such assistance and make available all such information with respect to any such function as Multicultural NSW may require for the purposes of that investigation.
- (3) Public authorities may, at the request of Multicultural NSW, provide officers of the public authority to be members or to advise members of committees of Multicultural NSW established to advise and report on any issue for the purposes of that investigation.

16 Delegation of functions of Multicultural NSW

- (1) Multicultural NSW may delegate to an authorised person any of its functions, other than this power of delegation.
- (2) A delegate may sub-delegate to an authorised person any function delegated by Multicultural NSW if the delegate is authorised in writing to do so by Multicultural NSW.
- (3) In this section, **authorised person** means—
 - (a) a member of the staff of Multicultural NSW, or
 - (b) a person or a person of a class approved by the Minister or prescribed by the regulations.

Part 4 Miscellaneous

17 Act to bind Crown

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.

18 Financial year

- (1) The financial year of Multicultural NSW is the year commencing on 1 July.
- (2) However, the financial year of Multicultural NSW is to be the annual reporting period (if any) for Multicultural NSW if the Treasurer has made a determination under section 2.10 of the [Government Sector Finance Act 2018](#) for that period to be different from

the period referred to in subsection (1).

Note—

The [Government Sector Audit Act 1983](#) and [Government Sector Finance Act 2018](#) make provision for the keeping and audit of the accounts of Multicultural NSW and for the preparation and tabling in Parliament of the annual reporting information for Multicultural NSW.

19 Recovery of money by Multicultural NSW

Any charge, fee or money due to Multicultural NSW, or to the Crown in respect of any of the activities of Multicultural NSW, may be recovered by Multicultural NSW as a debt, if no express provision is otherwise made for its recovery.

20 Service of documents on Multicultural NSW

- (1) A document may be served on Multicultural NSW by leaving it at, or by sending it by post addressed to, the office of Multicultural NSW or, if it has more than one office, any of its offices.
- (2) Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on Multicultural NSW in any other manner.

21 Personal liability

A matter or thing done or omitted to be done by—

- (a) Multicultural NSW, or
- (b) the Advisory Board or a member of the Advisory Board, or
- (c) the Chief Executive Officer, or
- (d) a person acting under the direction of Multicultural NSW, the Advisory Board, a member of the Advisory Board or the Chief Executive Officer,

does not, if the matter or thing was done or omitted to be done in good faith for the purposes of executing this Act, subject a member of the Advisory Board, the Chief Executive Officer or a person so acting personally to any action, liability, claim or demand.

22 Legal consequences of multicultural principles

Nothing in section 3 gives rise to, or can be taken into account in, any civil cause of action.

23 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

24 (Repealed)

25 Repeals

- (1) The *Ethnic Affairs Commission Act 1979* is repealed.
- (2) The *Ethnic Affairs Commission Regulation 1997* is repealed.

26 Savings, transitional and other provisions

Schedule 4 has effect.

27 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

Schedule 1 Provisions relating to members of the Advisory Board

1 Definition

In this Schedule—

member means a member of the Advisory Board.

2 Chairperson

- (1) The Chairperson vacates office as Chairperson if the Chairperson—
 - (a) is removed from office by the Governor under this clause, or
 - (b) ceases to be a member.
- (2) The Governor may at any time remove the Chairperson from office as Chairperson.

3 Deputies of members

- (1) The Minister may, from time to time, appoint a person to be the deputy of a member, and the Minister may revoke any such appointment.
- (2) In the absence of a member, the member's deputy may, if available, act in the place of the member.
- (3) While acting in the place of a member, a person—

- (a) has all the functions of the member and is taken to be a member, and
- (b) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

4 Terms of office

- (1) Subject to this Schedule, a member holds office for the period (not exceeding 3 years) that is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.
- (2) A person is not eligible for re-appointment as a member if the person has been a member (whether or not for consecutive terms) for a total period of more than 9 years.
- (3) Any previous period of appointment as a commissioner of the Community Relations Commission under this Act is taken to be a period of appointment as a member for the purposes of subclause (2).

5 Members of Advisory Board may undertake full-time roles

- (1) The Minister may, at the request of Multicultural NSW, authorise a member to be engaged on a full-time or other basis on any particular work for Multicultural NSW or a committee of Multicultural NSW.
- (2) A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of any such work (in addition to any other remuneration to which the member is entitled under this Schedule).
- (3) Any such member continues to be a member for the purposes of this Act.

6 (Repealed)

7 Remuneration

A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

8 Vacancy in office of member

- (1) The office of a member becomes vacant if the member—
 - (a) dies, or
 - (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by instrument in writing addressed to the Minister, or

- (d) is removed from office by the Governor under this clause, or
- (e) is absent from 3 consecutive meetings of the Advisory Board of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Advisory Board or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Advisory Board for having been absent from those meetings, or
- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
- (g) becomes a mentally incapacitated person, or
- (h) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.

(2) The Governor may at any time remove a member from office.

9 Disclosure of pecuniary interests

(1) If—

- (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Advisory Board, and
- (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Advisory Board.

(2) A disclosure by a member at a meeting of the Advisory Board that the member—

- (a) is a member, or is in the employment, of a specified company or other body, or
- (b) is a partner, or is in the employment, of a specified person, or
- (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under this clause.

(3) The Advisory Board must cause particulars of any disclosure made under this clause

to be recorded in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of such fee as may be determined by the Advisory Board from time to time.

- (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Advisory Board otherwise determines—
 - (a) be present during any deliberation of the Advisory Board with respect to the matter, or
 - (b) take part in any decision of the Advisory Board with respect to the matter.
- (5) For the purposes of the making of a determination by the Advisory Board under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not—
 - (a) be present during any deliberation of the Advisory Board for the purpose of making the determination, or
 - (b) take part in the making by the Advisory Board of the determination.
- (6) A contravention of this clause does not invalidate any decision of the Advisory Board.

10 Filling of vacancy in office of member

If the office of a member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

11 Effect of certain other Acts

- (1) The provisions of the [Government Sector Employment Act 2013](#) relating to the employment of Public Service employees do not apply to a member.
- (2) If by or under any Act provision is made—
 - (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
 - (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as such a member.

Schedule 2 Provisions relating to procedure of Advisory Board

1 Definition

In this Schedule—

member means a member of the Advisory Board.

2 General procedure

The procedure for the calling of meetings of the Advisory Board and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Advisory Board.

3 Quorum

The quorum for a meeting of the Advisory Board is a majority of members for the time being (excluding any member who has been granted leave by the Advisory Board).

4 Presiding member

- (1) The Chairperson is to preside at a meeting of the Advisory Board.
- (2) In the absence of the Chairperson, another member elected to chair the meeting by the members present at the meeting is to preside at the meeting.
- (3) The person presiding at any meeting of the Advisory Board has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

5 Voting

A decision supported by a majority of the votes cast at a meeting of the Advisory Board at which a quorum is present is the decision of the Advisory Board.

6 Transaction of business outside meetings or by telephone

- (1) The Advisory Board may, if it thinks fit, transact any of its business by the circulation of papers among all the members for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Advisory Board at a meeting of the Advisory Board.
- (2) The Advisory Board may, if it thinks fit, transact any of its business at a meeting at which the members (or some of them) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of—
 - (a) the approval of a resolution under subclause (1), or
 - (b) a meeting held in accordance with subclause (2),the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Advisory Board.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be

recorded in the minutes of the Advisory Board.

- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

7 Attendance by non-members

- (1) A person authorised by the Advisory Board or the Chairperson may attend a meeting of the Advisory Board, and may participate in the meeting to the extent that the Advisory Board determines.
- (2) A person attending a meeting of the Advisory Board under this clause cannot cast a vote at the meeting.

8 First meeting

The Minister is to call the first meeting of the Advisory Board in such manner as the Minister thinks fit.

Schedule 3 (Repealed)

Schedule 4 Savings, transitional and other provisions

(Section 26)

Part 1 Preliminary

1 Definition

In this Schedule—

former Act means the *Ethnic Affairs Commission Act 1979*.

2 Savings and transitional regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts—

this Act

Community Relations Commission and Principles of Multiculturalism Amendment Act 2003

any other Act that amends this Act

- (2) Any such provision may, if the regulations so provide, take effect on the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect on a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person before the date of its publication, or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Part 2 Provisions arising from enactment of this Act

3 Abolition of Ethnic Affairs Commission

- (1) The Ethnic Affairs Commission constituted under the former Act is abolished.
- (2) The Community Relations Commission is a continuation of, and the same legal entity as, the Ethnic Affairs Commission.
- (3) A reference to the Ethnic Affairs Commission in any other Act, in any instrument made under any other Act or in any document is to be read as a reference to the Community Relations Commission.

4 Chairperson of Ethnic Affairs Commission

The person who held office as Chairperson of the Ethnic Affairs Commission immediately before its abolition by this Act is taken to have been appointed under Part 2 of the [Public Sector Management Act 1988](#) as the full-time Chairperson of the Community Relations Commission for the balance of the person's term of office as Chairperson of the Ethnic Affairs Commission.

5 Commissioners (other than Chairperson) of Ethnic Affairs Commission

- (1) A person who held office as a commissioner of the Ethnic Affairs Commission (other than the Chairperson) immediately before its abolition by this Act is taken to have been appointed under this Act as a part-time commissioner of the Community Relations Commission for the balance of the person's term of office as a commissioner of the Ethnic Affairs Commission.
- (2) Any such person who also held office as the Deputy Chairperson of the Ethnic Affairs Commission immediately before its abolition by this Act is taken to have been appointed under this Act as the Deputy Chairperson of the Community Relations Commission.
- (3) This clause has effect even though the number of persons taken to be appointed as commissioners of the Community Relations Commission exceeds the maximum number of commissioners permitted by this Act.

Part 3 Provisions arising from enactment of the [Multicultural NSW](#)

Legislation Amendment Act 2014

6 Community Relations Commission continued as Multicultural NSW

- (1) Multicultural NSW is a continuation of, and the same legal entity as, the Community Relations Commission.
- (2) A reference to the Community Relations Commission in any other Act, in any instrument made under any other Act or in any other document is to be read as a reference to Multicultural NSW.

7 Chairperson of Community Relations Commission

- (1) The person who held office as Chairperson of the Community Relations Commission immediately before the commencement of this clause is taken to have been appointed as the Chairperson of the Advisory Board for the balance of the person's term of office as Chairperson of the Community Relations Commission.
- (2) A reference to the Chairperson of the Community Relations Commission in any other Act, in any instrument made under any other Act or in any other document is to be read as a reference to the Chief Executive Officer of Multicultural NSW.

8 Commissioners of Community Relations Commission

- (1) A person who held office as a commissioner of the Community Relations Commission immediately before the commencement of this clause is taken to have been appointed under this Act as a member of the Advisory Board for the balance of the person's term of office as a commissioner of the Community Relations Commission.
- (2) Any such person who also held office as the Deputy Chairperson of the Community Relations Commission immediately before the commencement of this clause is also taken to have been appointed under this Act as the Deputy Chairperson of the Advisory Board for the balance of the person's term of office as the Deputy Chairperson of the Community Relations Commission.
- (3) A person taken to have been appointed as the Deputy Chairperson of the Advisory Board under this clause is, in the absence of the Chairperson, to preside at a meeting of the Advisory Board. In the absence of both the Chairperson and the Deputy Chairperson, clause 4 (2) of Schedule 2 applies.
- (4) A reference to a commissioner of the Community Relations Commission in any other Act, in any instrument made under any other Act or in any other document is to be read as a reference to a member of the Advisory Board.

9 Multicultural principles

A reference in any Act, in any instrument made under an Act or in any other document to the principles of multiculturalism (within the meaning of this Act immediately before the

commencement of this clause) is to be read as a reference to the multicultural principles.