



New South Wales

# Multicultural NSW Legislation Amendment Bill 2014

## 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 *Community Relations Commission and Principles of Multiculturalism Act 2000* (the *Principal Act*) as follows:

- (a) to rename that Act,
- (b) to rename the principles of multiculturalism as the multicultural principles and to update those principles,
- (c) to update other terms used in that Act,
- (d) to rename the Community Relations Commission of New South Wales as Multicultural NSW and to change the structure of that body so that it is no longer a commission constituted by commissioners and to confer management of its affairs on the Chief Executive Officer,
- (e) to constitute and confer functions on the Advisory Board of Multicultural NSW (the *Advisory Board*),
- (f) to include as objectives of Multicultural NSW objectives relating to promoting the rights and responsibilities of citizenship and commitment to Australia,
- (g) to revise the functions of Multicultural NSW to reflect its current functions and activities,
- (h) to require the report on the state of community relations to be prepared for a financial year rather than a calendar year,
- (i) to make other minor and consequential amendments and amendments of a savings and transitional nature consequent on the enactment of the proposed Act.

## 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.

## **Schedule 1      Amendment of Community Relations Commission and Principles of Multiculturalism Act 2000 No 77**

### **Multicultural principles**

**Schedule 1 [5]** substitutes the principles of multiculturalism (now renamed as the multicultural principles). The principles are substantially the same but have been re-ordered and references to “racial and ethnic” have been replaced by the word “ancestral”. This change has also been made elsewhere in every case where the terms appear. **Schedule 1 [1], [6], [10], [24] and [34]** make consequential amendments.

### **Changes to Community Relations Commission**

**Schedule 1 [12]** renames the Community Relations Commission of New South Wales as Multicultural NSW. **Schedule 1 [2], [11], [13], [16]–[21], [25], [27], [29]–[32] and [35]** make consequential amendments.

**Schedule 1 [14]** provides that the functions of Multicultural NSW are exercisable by the Chief Executive Officer.

**Schedule 1 [15]** provides that the Chief Executive Officer is the person employed in the Public Service as the Chief Executive Officer.

**Schedule 1 [22]** adds to the objectives of Multicultural NSW the objectives of promoting the equal rights and responsibilities of citizenship and of promoting the unity and strong commitment to Australia of all people in a cohesive and harmonious multicultural society. The amendment also adds to the functions of Multicultural NSW the function of supporting community initiatives that support women and girls and other groups of diverse backgrounds.

**Schedule 1 [23]** changes the period for which Multicultural NSW is to provide its report on the state of community relations from the calendar year to the financial year.

**Schedule 1 [26]** requires the report on the state of community relations to be furnished to the Minister not later than the end of February in the year following the end of the financial year to which the report relates.

**Schedule 1 [28]** re-enacts the provision for delegation of functions by Multicultural NSW to provide for delegation to a member of the staff of Multicultural NSW and others.

### **Advisory Board of Multicultural NSW**

**Schedule 1 [15]** constitutes the Advisory Board, which is to consist of not more than 15 part-time members and the Chief Executive Officer, including 2 persons who are between 18 and 24 years old. In recommending an appointment, the Minister is to have regard to the desirability of having members of diverse backgrounds, different occupational backgrounds and who reside in different parts of the State.

**Schedule 1 [22]** confers on the Advisory Board the functions of advising 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 them and to review and provide advice to Multicultural NSW on the state of community relations in New South Wales.

**Schedule 1 [37]** provides for provisions relating to members of the Advisory Board, including provisions enabling the Chairperson to be removed by the Governor, the appointment of deputies for members and establishing 3-year membership terms for members.

**Schedule 1 [38]–[46]** apply existing provisions relating to remuneration, vacancy in office, disclosure of pecuniary interests, filling of vacancies and the effect of being the holder of another office to members of the Advisory Board.

**Schedule 1 [47] and [49]–[55]** apply existing provisions relating to procedure in meetings to the Advisory Board and make other consequential amendments.

#### **Other amendments**

**Schedule 1 [3]** amends the preamble to the Principal Act to re-order its elements so as to give prominence to a commitment to New South Wales and Australia as being part of a cohesive and multicultural society.

**Schedule 1 [4]** renames the Act as the *Multicultural NSW Act 2000*.

**Schedule 1 [7]** defines a *commitment to Australia* to include a commitment to the common values and things that bind Australians together.

**Schedule 1 [8] and [9]** make changes to definitions consequent on other amendments made by the proposed Act.

**Schedule 1 [33]** re-enacts the provision relating to personal liability to provide for the Advisory Board and its members and to insert updated references to Multicultural NSW and the Chief Executive Officer.

**Schedule 1 [36] and [48]** omit an outdated reference.

**Schedule 1 [56]** enables regulations containing savings and transitional provisions to be made as a consequence of amendments to the Principal Act.

**Schedule 1 [57]** inserts savings and transitional provisions consequent on the enactment of the proposed Act.

## **Schedule 2      Amendment of other Acts and instruments**

**Schedule 2** contains amendments to other Acts and instruments for the following purposes:

- (a) to insert updated references to Multicultural NSW and the multicultural principles,
- (b) to confer functions on the Chief Executive Officer of Multicultural NSW instead of the Chairperson of the Community Relations Commission.