



New South Wales

Community Relations Commission and Principles of Multiculturalism Amendment Bill 2010

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**) to incorporate certain recommendations arising from the statutory review of the principal Act. In particular, this Bill:

- (a) restates the principles of multiculturalism and includes the principle that all individuals should demonstrate a unified commitment to Australia, its interests and future and should recognise the importance of shared values governed by the rule of law within a democratic framework, and
- (b) clarifies the objectives of the Community Relations Commission (**the Commission**) and includes the objective of promoting the principles of multiculturalism, and
- (c) expands the functions of the Commission to include researching matters related to the objectives of the Commission and the facilitation of consistency across Government agencies on issues associated with cultural diversity, and
- (d) extends the time within which the Commission's annual report on the state of community relations is to be made.

This Bill also:

- (a) authorises the appointment of an acting Chairperson during any absence of the Chairperson of the Commission, and
- (b) changes the audit and financial reporting obligations of the Commission.

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, other than Schedule 2.4, on the date of assent to the proposed Act. Schedule 2.4 commences, or is taken to have commenced, on 30 June 2010.

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

Schedule 1 [1] amends section 3 of the principal Act to restate the principles of multiculturalism and to include the following additional principle:

All individuals in New South Wales, irrespective of their linguistic, religious, racial and ethnic backgrounds, should demonstrate a unified commitment to Australia, its interests and future and should recognise the importance of shared values governed by the rule of law within a democratic framework.

Schedule 1 [2]–[4] amend section 12 of the principal Act to recast certain objectives of the Commission to clarify the Commission's focus.

Schedule 1 [5]–[8] amend section 13 of the principal Act to provide that the functions of the Commission include researching matters relating to the Commission's objectives, providing a single coordination point for integrated responses to emerging issues associated with cultural diversity, facilitating consistency across authorities on issues associated with cultural diversity and the referral of certain matters to the Anti-Discrimination Board.

Schedule 1 [9] amends section 14 of the principal Act to extend, from March to April, the time within which the Commission is to provide its annual report on the state of community relations in New South Wales.

Schedule 1 [10] amends the note to section 18 of the principal Act as a consequence of the amendments to the *Public Finance and Audit Act 1983* made by **Schedule 2.4**.

Schedule 1 [11]–[13] amend Schedule 1 to the principal Act to provide for the appointment of an acting Chairperson during any absence of the Chairperson of the Commission.

Schedule 1 [14] amends clause 4 of Schedule 2 to the principal Act to provide that the Deputy Chairperson of the Commission is to preside at a meeting of the Commission in the absence of the Chairperson.

Schedule 2 Amendment of other Acts

Schedule 2.1 amends the *Anti-Discrimination Act 1977* to provide that the Anti-Discrimination Board may carry out investigations in relation to matters referred to it by the Commission.

Schedule 2.2 amends the *Health Records and Information Privacy Act 2002* to provide that the Health Privacy Principles do not apply to information that is collected or held by the Commission only for the purpose of providing translation services. **Schedule 2.3** makes a similar amendment to the *Privacy and Personal Information Protection Act 1998*.

Schedule 2.4 amends the *Public Finance and Audit Act 1983* to provide that the auditing and financial reporting requirements of the Commission are to change from those of a Department to those of a statutory body.

First print



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New South Wales

Community Relations Commission and Principles of Multiculturalism Amendment Bill 2010

No. , 2010

A Bill for

An Act to amend the *Community Relations Commission and Principles of Multiculturalism Act 2000* in relation to the principles of multiculturalism and the functions of the Community Relations Commission; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Community Relations Commission and Principles of Multiculturalism Amendment Act 2010</i> .	3 4
2 Commencement	5
(1) Except as provided by subsection (2), this Act commences on the date of assent to this Act.	6 7
(2) Schedule 2.4 commences, or is taken to have commenced, on 30 June 2010.	8 9

Schedule 1	Amendment of Community Relations Commission and Principles of Multiculturalism Act 2000 No 77	1 2 3
[1] Section 3 Principles of multiculturalism		4
Omit section 3 (1) and (2). Insert instead:		5
(1) Multiculturalism is founded on the following principles (the <i>principles of multiculturalism</i>):		6 7
(a) the people of New South Wales are of different linguistic, religious, racial and ethnic backgrounds who, either individually or in community with other members of their respective groups, are free to profess and practise their heritage,		8 9 10 11 12
(b) all individuals in New South Wales, irrespective of their linguistic, religious, racial and ethnic backgrounds, should demonstrate a unified commitment to Australia, its interests and future and should recognise the importance of shared values governed by the rule of law within a democratic framework,		13 14 15 16 17 18
(c) all individuals in New South Wales should have the greatest possible opportunity to contribute to, and participate in, all aspects of public life in which they may legally participate,		19 20 21 22
(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,		23 24 25 26
(e) all individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programmes provided or administered by the Government of New South Wales,		27 28 29 30
(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.		31 32 33 34
(2) Parliament recognises that the principles of multiculturalism are based on citizenship. The expression <i>citizenship</i> is not limited to formal Australian citizenship, but refers to the rights and responsibilities of all people in a multicultural society.		35 36 37 38

Community Relations Commission and Principles of Multiculturalism
Amendment Bill 2010

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

[2] Section 12 Objectives of Commission	1
Omit “benefits of cultural diversity” from section 12 (d).	2
Insert instead “promotion of the principles of multiculturalism”.	3
[3] Section 12 (e)	4
Omit the paragraph.	5
[4] Section 12 (f)	6
Omit “, community development and community initiatives for ethnic communities”.	7
Insert instead “and community development”.	9
[5] Section 13 Functions of Commission	10
Omit section 13 (1) (c). Insert instead:	11
(c) to research or investigate and report to the Minister on any matter relating to its objectives that the Commission considers appropriate or that the Minister refers to the Commission for research or investigation and report,	12
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[6] Section 13 (1) (f1)	16
Insert after section 13 (1) (f):	17
(f1) to provide a single coordination point for integrated responses to emerging issues associated with cultural diversity,	18
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[7] Section 13 (1) (g)	21
Insert “, so as to facilitate consistency across authorities on issues associated with cultural diversity” after “services”.	22
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[8] Section 13 (1) (m1)	24
Insert after section 13 (1) (m):	25
(m1) to refer matters relating to discrimination and racial vilification to the Anti-Discrimination Board,	26
	27
[9] Section 14 Reporting on state of community relations	28
Omit “March” from section 14 (3). Insert instead “April”.	29
[10] Section 18 Financial year	30
Omit “ <i>Annual Reports (Departments) Act 1985</i> ” from the note.	31
Insert instead “ <i>Annual Reports (Statutory Bodies) Act 1984</i> ”.	32

[11] Schedule 1 Provisions relating to commissioners	1
Omit clause 2 (3). Insert instead:	2
(3) During any absence of a full-time Chairperson, a person appointed to act in the office of Chairperson under Chapter 2 of the <i>Public Sector Employment and Management Act 2002</i> may attend any meeting of the Commission, but:	3
(a) is not entitled to preside at the meeting, and	4
(b) is not entitled to vote at the meeting.	5
Note. The office of full-time Chairperson is a public service executive position created under Chapter 2 of the <i>Public Sector Employment and Management Act 2002</i> . That Act enables the appointment of any other public service officer to act in the position in the absence of the Chairperson or a vacancy in the office of the Chairperson.	6
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[12] Schedule 1, clause 2 (4)	14
Omit “the Chairperson”. Insert instead “a full-time Chairperson”.	15
[13] Schedule 1, clause 4 (2) (b)	16
Insert “, acting Chairperson” after “as Chairperson”.	17
[14] Schedule 2 Provisions relating to procedure of Commission	18
Omit clause 4 (1). Insert instead:	19
(1) The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson is to preside at a meeting of the Commission.	20
Note. The reference to the Chairperson does not include an acting Chairperson—see clause 2 of Schedule 1.	21
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Schedule 2	Amendment of other Acts	1
2.1	Anti-Discrimination Act 1977 No 48	2
	Section 119 General functions of the Board	3
	Insert after section 119 (1) (a):	4
	(a1) without limiting paragraph (a), carry out investigations, research and inquiries relating to discrimination or racial vilification on the referral of a matter to the Board by the Community Relations Commission,	5 6 7 8
2.2	Health Records and Information Privacy Act 2002 No 71	9
	Section 17A	10
	Insert after section 17:	11
	17A Exemption for certain translation services	12
	The Health Privacy Principles do not apply in respect of health information collected or held by the Community Relations Commission if:	13 14 15
	(a) the information is collected or held by the Commission for the purpose only of translating the information, and	16 17
	(b) all documents held by the Commission in which the information is contained are destroyed or returned to the person who submitted the information for translation when the Commission is satisfied that the documents are no longer required for the provision of the translation service, and	18 19 20 21 22 23
	(c) in a case where it is necessary for the information to be given to another person in connection with the provision of the translation service, everything reasonably within the power of the Commission is done to prevent unauthorised disclosure of the information by that other person.	24 25 26 27 28

2.3 Privacy and Personal Information Protection Act 1998 No 133	1 2
Section 28 Other exemptions	3
Insert after section 28 (1):	4
(2) The information protection principles do not apply in respect of personal information collected or held by the Community Relations Commission if:	5 6 7
(a) the information is collected or held by the Commission for the purpose only of translating the information, and	8 9
(b) all documents held by the Commission in which the information is contained are destroyed or returned to the person who submitted the information for translation when the Commission is satisfied that the documents are no longer required for the provision of the translation service, and	10 11 12 13 14 15
(c) in a case where it is necessary for the information to be given to another person in connection with the provision of the translation service, everything reasonably within the power of the Commission is done to prevent unauthorised disclosure of the information by that other person.	16 17 18 19 20
2.4 Public Finance and Audit Act 1983 No 152	21
[1] Schedule 2 Statutory bodies	22
Insert in alphabetical order:	23
Community Relations Commission	24
[2] Schedule 3 Departments	25
Omit the matter relating to the Community Relations Commission.	26