

Passed by both Houses



New South Wales

Community Relations Commission and Principles of Multiculturalism Amendment Bill 2010

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2010

Clerk of the Parliaments



New South Wales

Community Relations Commission and Principles of Multiculturalism Amendment Bill 2010

Act No , 2010

*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 Name of Act

This Act is the *Community Relations Commission and Principles of Multiculturalism Amendment Act 2010*.

2 Commencement

- (1) Except as provided by subsection (2), this Act commences on the date of assent to this Act.
- (2) 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

[1] Section 3 Principles of multiculturalism

Omit section 3 (1) and (2). Insert instead:

- (1) Multiculturalism is founded on the following principles (the *principles of multiculturalism*):
 - (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, practise and maintain their own linguistic, religious, racial and ethnic heritage,
 - (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,
 - (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,
 - (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 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,
 - (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 principles of multiculturalism 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.

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

[2] Section 13 Functions of Commission

Omit section 13 (1) (c). Insert instead:

- (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,

[3] Section 13 (1) (f1)

Insert after section 13 (1) (f):

- (f1) to provide a single coordination point for integrated responses to emerging issues associated with cultural diversity,

[4] Section 13 (1) (g)

Insert “, so as to facilitate consistency across authorities on issues associated with cultural diversity” after “services”.

[5] Section 13 (1) (m1)

Insert after section 13 (1) (m):

- (m1) to refer matters relating to discrimination and racial vilification to the Anti-Discrimination Board,

[6] Section 14 Reporting on state of community relations

Omit “March” from section 14 (3). Insert instead “April”.

[7] Section 18 Financial year

Omit “*Annual Reports (Departments) Act 1985*” from the note.

Insert instead “*Annual Reports (Statutory Bodies) Act 1984*”.

[8] Schedule 1 Provisions relating to commissioners

Omit clause 2 (3). Insert instead:

- (3) During any absence of a full-time Chairperson, a person appointed to act in the office of Chairperson under Chapter 2 of the *Public Sector Employment and Management Act 2002* may attend any meeting of the Commission, but:
 - (a) is not entitled to preside at the meeting, and

(b) is not entitled to vote at the meeting.

Note. The office of full-time Chairperson is a public service executive position created under Chapter 2 of the *Public Sector Employment and Management Act 2002*. 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.

[9] Schedule 1, clause 2 (4)

Omit “the Chairperson”. Insert instead “a full-time Chairperson”.

[10] Schedule 1, clause 4 (2) (b)

Insert “, acting Chairperson” after “as Chairperson”.

[11] Schedule 2 Provisions relating to procedure of Commission

Omit clause 4 (1). Insert instead:

(1) The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson is to preside at a meeting of the Commission.

Note. The reference to the Chairperson does not include an acting Chairperson—see clause 2 of Schedule 1.

Schedule 2 Amendment of other Acts

2.1 Anti-Discrimination Act 1977 No 48

Section 119 General functions of the Board

Insert after section 119 (1) (a):

- (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,

2.2 Health Records and Information Privacy Act 2002 No 71

Section 17A

Insert after section 17:

17A Exemption for certain translation services

The Health Privacy Principles do not apply in respect of health information collected or held by the Community Relations Commission if:

- (a) the information is collected or held by the Commission for the purpose only of translating the information, and
- (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
- (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.

2.3 Privacy and Personal Information Protection Act 1998 No 133

Section 28 Other exemptions

Insert after section 28 (1):

- (2) The information protection principles do not apply in respect of personal information collected or held by the Community Relations Commission if:
 - (a) the information is collected or held by the Commission for the purpose only of translating the information, and
 - (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
 - (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.

2.4 Public Finance and Audit Act 1983 No 152

[1] Schedule 2 Statutory bodies

Insert in alphabetical order:

Community Relations Commission

[2] Schedule 3 Departments

Omit the matter relating to the Community Relations Commission.