

First print



New South Wales

Ethnic Affairs Commission Amendment Bill 1996

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 *Ethnic Affairs Commission Act 1979* (the *Principal Act*) so as:

- (a) to endorse certain principles of cultural diversity, and
 - (b) to enhance the objects and functions of the Ethnic Affairs Commission (the *Commission*), and
 - (c) to provide for ethnic affairs agreements between public authorities and the Commission, and
 - (d) to require the preparation by the Commission of ethnic affairs reports on an annual basis.
-

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.

Clause 3 is a formal provision giving effect to the amendments to the *Ethnic Affairs Commission Act 1979* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] inserts proposed section 3 (Principles of cultural diversity).

Proposed section 3 (1) provides that Parliament recognises and values the cultural diversity of the people of New South Wales, and accordingly endorses the following four principles of cultural diversity:

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.

Principle 2

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

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.

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.

Proposed section 3 (2) provides that each public authority should observe the principles of cultural diversity in conducting its affairs.

Proposed section 3 (3) explains the concept of cultural diversity. Cultural diversity reflects the whole population of New South Wales, which comprises people from a range of cultural, ethnic, linguistic and religious backgrounds.

Schedule 1 [2] inserts a definition of *cultural diversity* into section 5 of the Principal Act. The proposed definition refers to the explanation in proposed section 3 (3).

Schedule 1 [3] replaces the definition of *public authority* in section 5 of the Principal Act to specifically include government departments and statutory bodies that are subject to annual reporting legislation and to include bodies or classes of bodies that are prescribed by the regulations.

Schedule 1 [4] and [10] make amendments that are consequential on the replacement of the definition of *public authority* by item [3].

Schedule 1 [5] inserts proposed section 15 (d) in the Principal Act to expand the objects of the Commission to include the object of promoting the social, cultural and economic benefits of a culturally diverse society.

Schedule 1 [6] replaces section 16 (c) of the Principal Act so that the functions of the Commission include the provision of services approved by the Minister, regardless of whether the services are provided to an ethnic group.

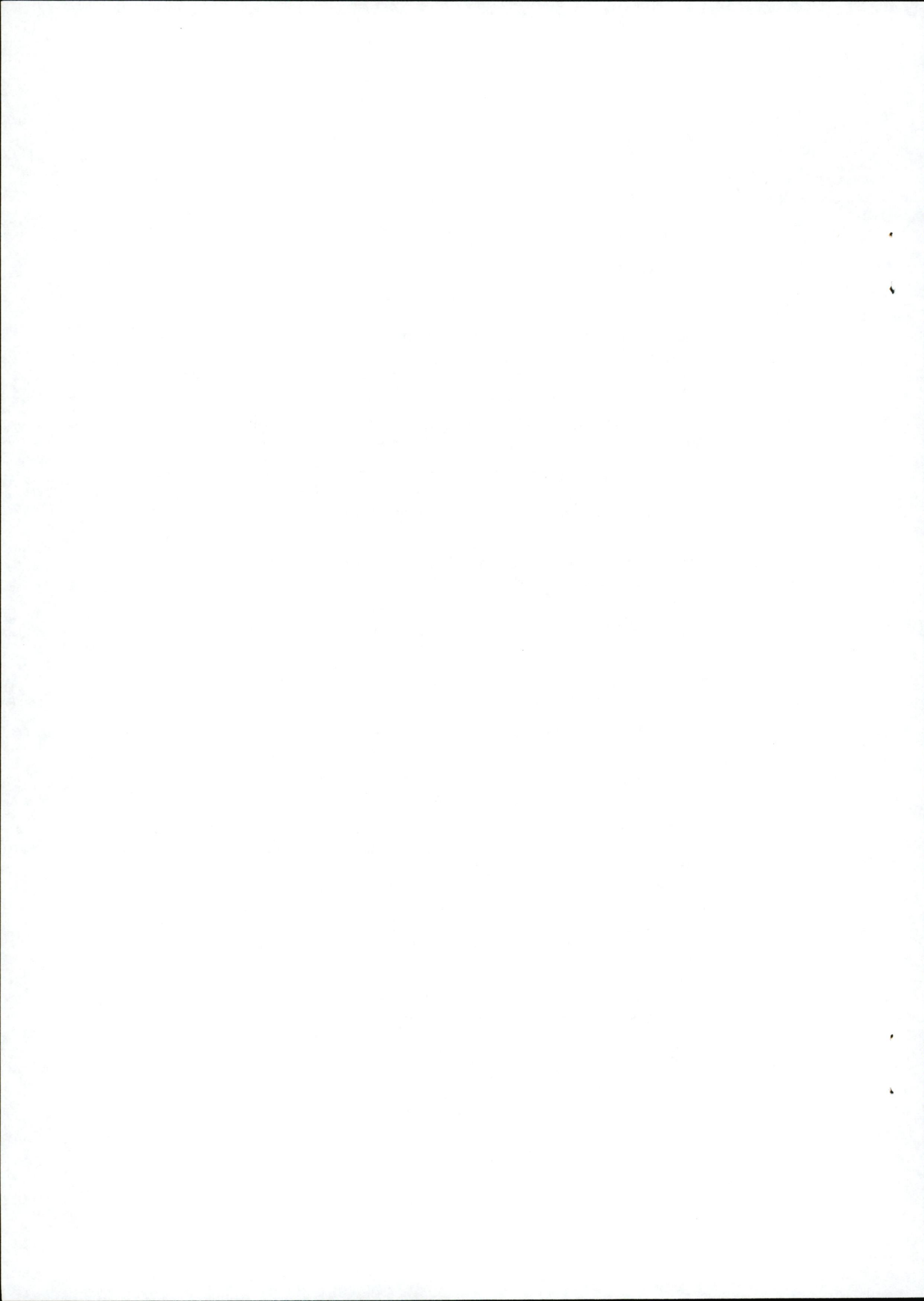
Schedule 1 [7] makes an amendment that is consequential on the insertion of additional paragraphs by item [8].

Schedule 1 [8] inserts proposed section 16 (h) and (i) to extend the functions of the Commission to include:

- initiating, negotiating, entering into and assisting the implementation of ethnic affairs agreements with public authorities, and
- assessing the effectiveness of public authorities in implementing the Government's ethnic affairs policies.

Schedule 1 [9] inserts proposed section 17, which requires the Commission to prepare a report on the status of ethnic affairs in New South Wales each calendar year, commencing with 1997. The report is to be furnished to the Minister by the end of February after the relevant calendar year. The Minister is to lay a copy of the report before each House of Parliament within 14 sitting days of the House after receiving the report. Provision is made for presenting a copy of the report to the Clerk of the House if the House is not sitting.

Schedule 1 [11] inserts proposed section 21A, which provides that nothing in proposed section 3 endorsing the principles of cultural diversity gives rise to, or can be taken into account in, any civil cause of action. The provision, which is identical to provisions included in other legislation, ensures that, while the principles are endorsed and should be observed by public authorities, they cannot be taken into account in any civil legal proceedings and do not give rise to separately enforceable rights.



First print

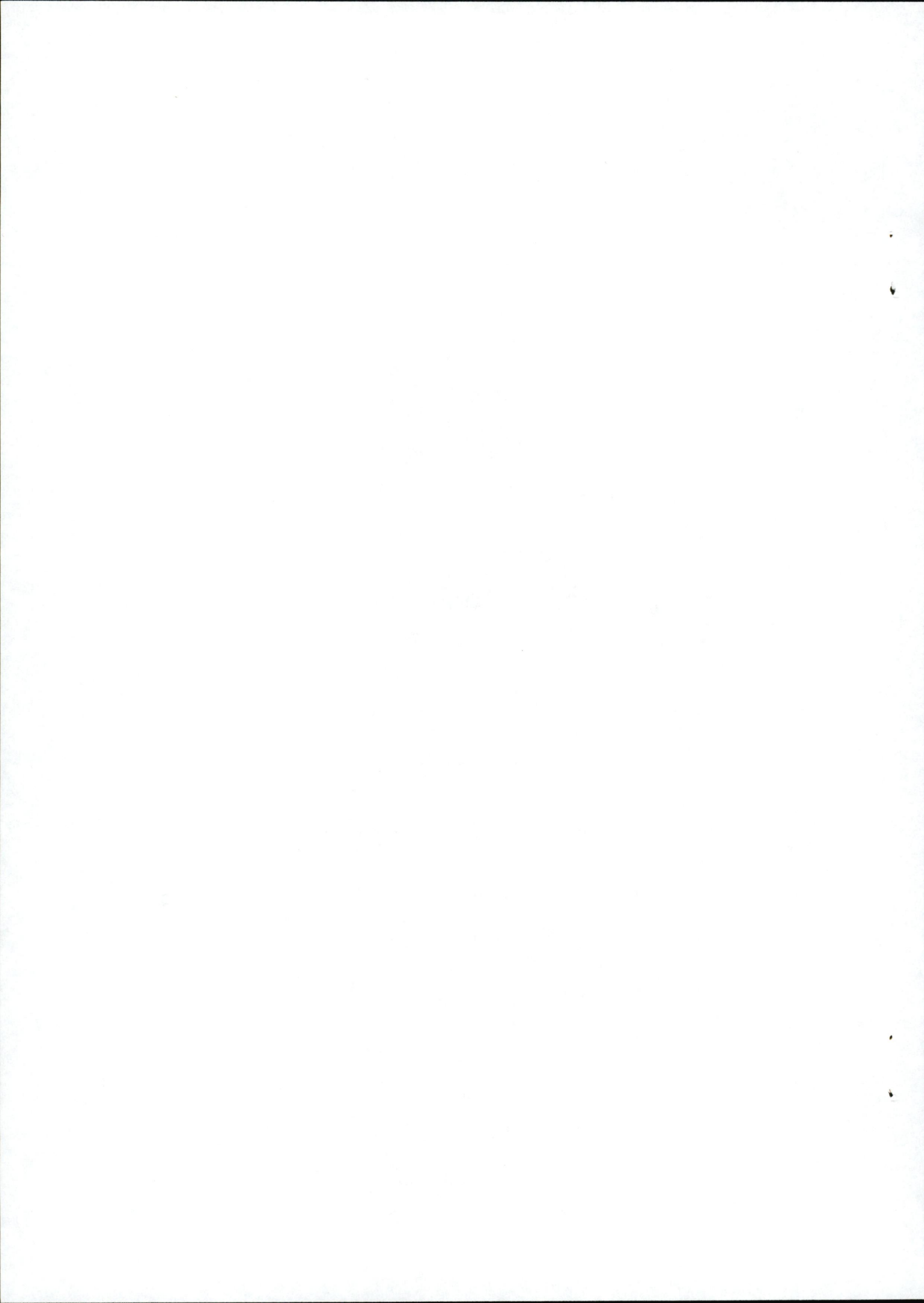


New South Wales

Ethnic Affairs Commission Amendment Bill 1996

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Ethnic Affairs Commission Act 1979 No 23	2
Schedule 1 Amendments	3





New South Wales

Ethnic Affairs Commission Amendment Bill 1996

No , 1996

A Bill for

An Act to amend the *Ethnic Affairs Commission Act 1979* to endorse certain principles of cultural diversity, to enhance the objects and functions of the Ethnic Affairs Commission, to provide for ethnic affairs agreements between public authorities and the Commission and to require preparation of annual ethnic affairs reports; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Ethnic Affairs Commission Amendment Act 1996*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation. 5

3 Amendment of Ethnic Affairs Commission Act 1979 No 23

The *Ethnic Affairs Commission Act 1979* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 3

Insert after section 2:

- | | |
|--|----|
| 3 Principles of cultural diversity | 5 |
| (1) Parliament recognises and values the cultural diversity of the people of New South Wales. It does so by supporting and promoting the following principles of cultural diversity: | |
| (a) Principle 1 | 10 |
| 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 | 15 |
| All individuals and public institutions should respect and accommodate the culture, language and religion of others within an Australian legal and institutional framework where English is the primary language. | |
| (c) Principle 3 | 20 |
| 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. | 25 |
| (d) Principle 4 | 30 |
| 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. | |
| (2) Accordingly, each public authority should observe the principles of cultural diversity in conducting its affairs. | |

- (3) The cultural diversity of the people of New South Wales reflects the whole population of New South Wales, which comprises people from a range of cultural, ethnic, linguistic and religious backgrounds. The expression *cultural diversity* is to be construed accordingly. 5
- [2] Section 5 Definitions**
Insert in alphabetical order:
cultural diversity—see section 3 (3).
- [3] Section 5, definition of “public authority”**
Omit the definition. Insert instead: 10
public authority means any public or local authority constituted by or under an Act, and includes:
(a) any Department as defined in the *Annual Reports (Departments) Act 1985*, and
(b) any statutory body as defined in the *Annual Reports (Statutory Bodies) Act 1984*, and 15
(c) any body or class of bodies prescribed by the regulations for the purposes of this definition.
- [4] Section 14 Staff establishment of the Commission**
Omit “Department or” and “Department of the Government or” from section 14 (2). 20
- [5] Section 15 Objects of the Commission**
Insert at the end of section 15 (c):
, and
(d) to promote the social, cultural and economic benefits of a culturally diverse society. 25
- [6] Section 16 Functions of the Commission**
Omit section 16 (c). Insert instead:
(c) to provide to any persons (whether or not forming or forming part of any ethnic group in the community) services approved by the Minister, 30

[7] Section 16 (f)

Omit "and" where lastly occurring.

[8] Section 16 (h) and (i)

Insert at the end of section 16 (g):

- (h) to initiate, negotiate, enter into and where appropriate assist in implementing ethnic affairs agreements between public authorities and the Commission, and 5
- (i) to assess the effectiveness of public authorities in implementing the Government's ethnic affairs policies. 10

[9] Section 17

Insert after section 16:

17 Ethnic affairs reports

- (1) The Commission is to prepare a report on the status of ethnic affairs in the State in respect of each calendar year (commencing with 1997). The report may include recommendations of the Commission in relation to any relevant matters. 15
- (2) The report is to be prepared during or as soon as possible after the calendar year to which it relates. The report is to be furnished to the Minister before the end of the month of February that follows that year. 20
- (3) 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. 25
- (4) 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 the House. 30

Ethnic Affairs Commission Amendment Bill 1996

Schedule 1 Amendments

- (5) 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 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 5
 - (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. 10

[10] Section 18 Public authorities to assist Commission

Omit "any officer of a Department of the Government or the functions of any public authority, that officer or public authority".
Insert instead "a public authority or of an officer of a public authority, that public authority or officer". 15

[11] Section 21A

Insert after section 21:

21A Legal consequences of principles of cultural diversity

Nothing in section 3 gives rise to, or can be taken into account in, any civil cause of action. 20

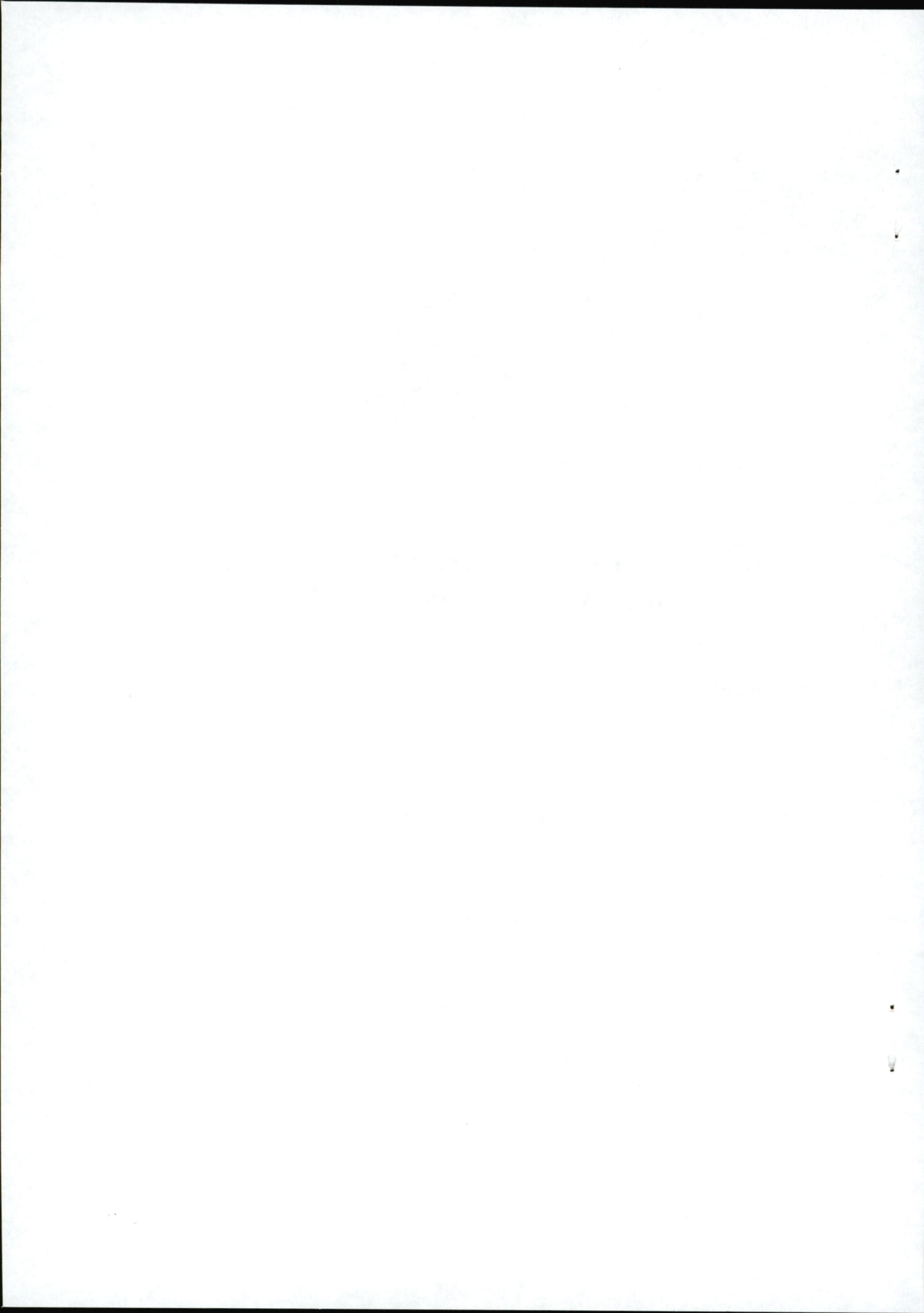


New South Wales

Ethnic Affairs Commission Amendment Act 1996 No 88

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Ethnic Affairs Commission Act 1979 No 23	2
Schedule 1 Amendments	3





New South Wales

Ethnic Affairs Commission Amendment Act 1996 No 88

Act No 88, 1996

An Act to amend the *Ethnic Affairs Commission Act 1979* to endorse certain principles of cultural diversity, to enhance the objects and functions of the Ethnic Affairs Commission, to provide for ethnic affairs agreements between public authorities and the Commission and to require preparation of annual ethnic affairs reports; and for other purposes. [Assented to 25 November 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Ethnic Affairs Commission Amendment Act 1996*.

2 Commencement

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

3 Amendment of Ethnic Affairs Commission Act 1979 No 23

The *Ethnic Affairs Commission Act 1979* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 3

Insert after section 2:

3 Principles of cultural diversity

- (1) Parliament recognises and values the cultural diversity of the people of New South Wales. It does so by supporting and promoting the following principles of cultural diversity:

(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 accommodate the culture, language and religion of others within an Australian legal and institutional framework where English is the primary 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.

- (2) The principles of cultural diversity are the policy of the State.
- (3) Accordingly, each public authority must observe the principles of cultural diversity in conducting its affairs.
- (4) 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.
- (5) The cultural diversity of the people of New South Wales reflects the whole population of New South Wales, which comprises people from a range of cultural, ethnic, linguistic and religious backgrounds. The expression *cultural diversity* is to be construed accordingly.

[2] Section 5 Definitions

Insert in alphabetical order:

cultural diversity—see section 3 (5).

[3] Section 5, definition of “public authority”

Omit the definition. Insert instead:

public authority means any public or local authority constituted by or under an Act, and includes:

- (a) any Department as defined in the *Annual Reports (Departments) Act 1985*, and
- (b) any statutory body as defined in the *Annual Reports (Statutory Bodies) Act 1984*, and
- (c) any body or class of bodies prescribed by the regulations for the purposes of this definition.

[4] Section 14 Staff establishment of the Commission

Omit “Department or” and “Department of the Government or” from section 14 (2).

[5] Section 15 Objects of the Commission

Insert at the end of section 15 (c):

, and

- (d) to promote the social, cultural and economic benefits of a culturally diverse society.

[6] Section 16 Functions of the Commission

Omit section 16 (c). Insert instead:

- (c) to provide to any persons (whether or not forming or forming part of any ethnic group in the community) services approved by the Minister,

[7] Section 16 (f)

Omit "and" where lastly occurring.

[8] Section 16 (h) and (i)

Insert at the end of section 16 (g):

- (h) to initiate, negotiate, enter into and where appropriate assist in implementing ethnic affairs agreements between public authorities and the Commission, and
- (i) to assess the effectiveness of public authorities in implementing the Government's ethnic affairs policies.

[9] Section 17

Insert after section 16:

17 Ethnic affairs reports

- (1) The Commission is to prepare a report on the status of ethnic affairs in the State in respect of each calendar year (commencing with 1997). The report may include recommendations of the Commission in relation to any relevant matters.

- (2) The report is to be prepared during or as soon as possible after the calendar year to which it relates. The report is to be furnished to the Minister before the end of the month of February that follows that year.
- (3) 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.
- (4) 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 the House.
- (5) 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 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.

[10] Section 18 Public authorities to assist Commission

Omit "any officer of a Department of the Government or the functions of any public authority, that officer or public authority".
Insert instead "a public authority or of an officer of a public authority, that public authority or officer".

[11] Section 21A

Insert after section 21:

21A Legal consequences of principles of cultural diversity

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

[Minister's second reading speech made in—
Legislative Assembly on 23 October 1996
Legislative Council on 30 October 1996]

