

Multicultural Victoria Bill 2011

Introduction Print

EXPLANATORY MEMORANDUM

Preamble

Preamble provides that the Victorian Parliament recognises and values the cultural, religious, racial and linguistic diversity of the people of Victoria, recognises that the principles of multiculturalism are based on citizenship, and wishes to promote Victoria as a united community with shared laws, values, aspirations and responsibilities within which people from diverse backgrounds can participate.

Clause Notes

PART 1—PRELIMINARY

Clause 1 sets out the purposes of the Bill. The purposes of the Bill are to—

- establish the principles of multiculturalism;
- provide for the establishment of the Victorian Multicultural Commission;
- provide for the establishment of regional advisory councils;
- establish reporting requirements for the Victorian Multicultural Commission;
- establish reporting requirements for government departments in relation to multicultural affairs; and
- repeal and re-enact with amendments the **Multicultural Victoria Act 2004** and make necessary transitional provisions.

- Clause 2 is the commencement provision. The Bill will commence either on a day or days to be proclaimed, or if a provision of the Bill does not come into operation before 1 February 2012, it comes into operation on that day.
- Clause 3 defines various terms used in the Bill such as *diversity*, which means cultural, religious, racial and linguistic diversity.

PART 2—PRINCIPLES OF MULTICULTURALISM

- Clause 4 sets out and provides for recognition by the Victorian Parliament of seven principles of multiculturalism. These include principles such as mutual respect, equal access to opportunities, and a shared commitment to Australia and to community service.
- Subclause (3) links Parliamentary recognition of the principles of multiculturalism to the rights and responsibilities of citizenship and the promotion of diversity in the Victorian community.
- Subclause (5) provides that it is the intention of the Parliament that this Bill is to be administered and interpreted having regard to the principles of multiculturalism.
- Clause 5 provides that this Part does not create in any person any legal right or give rise to any civil cause of action.

PART 3—VICTORIAN MULTICULTURAL COMMISSION

- Clause 6 establishes the Victorian Multicultural Commission and provides that the Commission is to adopt the phrase "strengthening our community" for use in conjunction with the name of the Commission.
- Clause 7 sets out the objectives of the Commission, including—
- promoting full participation by Victoria's diverse communities in the social, cultural, economic and political life of Victoria;
 - promoting access by Victoria's diverse communities to services made available by governments and other bodies; and
 - encouraging all of Victoria's diverse communities to retain and express their social identity and cultural inheritance and to promote mutual respect.

- Clause 8 sets out the functions of the Commission, including—
- ensuring that the objectives of the Commission are met to the maximum extent that is practicable;
 - reporting to the Minister on systemic community issues identified through regional advisory councils, or issues that relate to the adequacy of government services, settlement support and service delivery for diverse communities; and
 - developing and maintaining partnerships between community organisations in providing assistance in settlement support and service delivery for diverse communities.

Settlement support includes services provided by the Commission to assist new migrants to settle into their local community.

- Clause 9 provides that the Commission has power to do all things necessary or convenient to be done for, or in connection with, carrying out its objectives and performing its functions, other than the power to enter into contracts or agreements, which is to be exercised by the Chairperson.
- Clause 10 provides that, in performing its functions and exercising its powers, the Commission represents the Crown.
- Clause 11 provides that the Commission must comply with any directions relating to the performance of its functions given to it in writing by the Minister, other than the function in clause 8(b).
- Clause 12 provides that the Commission will consist of the following 12 members appointed by the Governor in Council on the recommendation of the Minister—
- a Chairperson;
 - a Deputy Chairperson;
 - a youth representative (a person between the ages of 18 and 24 years);
 - a representative of a community organisation; and
 - eight other members.

In recommending a person for appointment as a member, the Minister must have regard to the desirability of having people of diverse backgrounds on the Commission, as well as people of different occupational and social backgrounds, including people who normally reside in different parts of the State.

Members of the Parliament of Victoria, Councillors, electorate officers, Ministerial officers and Parliamentary advisers cannot be recommended for appointment as members of the Commission.

Certain terms and conditions of appointment are specified, and further terms and conditions may be specified in an appointee's instrument of appointment.

Clause 13 provides that validity of an act or decision of the Commission is not affected merely because of a defect or irregularity in, or in connection with, the appointment of a member, or a vacancy in the membership of the Commission.

Clause 14 provides that a member of the Commission is to be appointed by the Governor in Council, on the recommendation of the Minister, as Chairperson on a full-time basis.

The Chairperson must not directly or indirectly engage in any other paid employment or carry on a business, profession or trade without the consent of the Minister.

Clause 15 provides that there are to be employed under Part 3 of the **Public Administration Act 2004** as many persons as are required to assist the Commission. For the purposes of employing staff of the Commission, the Chairperson is to have the functions of a public service body Head. Sections 15 and 20 of the **Public Administration Act 2004** are to apply to the Chairperson. This means that the Chairperson must observe public sector values and principles, and the Chairperson is to act independently in employment matters.

Clause 16 provides that a member of the Commission is to be appointed by the Governor in Council, on the recommendation of the Minister, as Deputy Chairperson.

Clause 17 provides that the Minister may appoint a member of the Commission to act as Chairperson during a vacancy in the office of Chairperson, for a period not exceeding 3 months.

The Acting Chairperson is subject to the terms and conditions specified in his or her instrument of appointment as the Acting Chairperson.

Clause 18 provides that the Chairperson must ensure that there are at least 6 meetings of the Commission each year, the dates of which are to be determined by the Chairperson.

The Chairperson must also convene a meeting of the Commission within 3 days of any date asked for in writing by more than half of its members.

Clause 19 provides for the proper procedure at meetings of the Commission, including who is to preside, quorum requirements, voting, recording of decisions in meetings, and that copies of any decision of the Commission must be given to the Minister within 14 days after the meeting.

Clause 20 provides that the Commission may, by instrument, delegate to a member or to 2 or more members any of its powers in relation to a matter initiated under clauses 8(b) and 8(c).

Clause 21 provides that on or before 30 September each year the Commission must submit to the Minister a report of its operations for the year ending on 30 June that year.

The report must include any information specifically requested by the Minister relating to the Commission's objectives or functions.

The Minister must table each annual report within 7 sitting days after receiving it.

PART 4—REGIONAL ADVISORY COUNCILS

Clause 22 provides that the Commission is to establish 8 regional advisory councils for regional areas of the State. The Minister must, by notice published in the Government Gazette, declare the establishment of regional advisory councils. The declaration is to include specified details. The regional advisory councils are to be subject to certain specifications.

Clause 23 provides that the function of regional advisory councils is to provide advice to the Commission on matters relating to the objectives and functions of the Commission.

Clause 24 provides for the constitution of regional advisory councils, including a requirement that certain members of the Commission are to preside over each regional advisory council.

PART 5—REPORTING REQUIREMENTS OF THE COMMISSION

Clause 25 provides that the Commission must prepare and submit to the Minister a report on—

- a matter initiated by the Commission under clause 8(b); or
- a matter referred to the Commission by the Minister under clause 8(c) within the time specified by the Minister.

Department Heads must ensure that every reasonable effort is made to assist the Commission with respect to these reports, including providing non-identifying information that the Commission requires for reports. Department Heads must not provide any identifying information to the Commission for the purposes of this clause.

PART 6—REPORTING REQUIREMENTS OF GOVERNMENT DEPARTMENTS AND MINISTERS

Clause 26 requires Department Heads to prepare and submit to the Minister, as soon as practicable after the end of each financial year, a report regarding how the Department has promoted or otherwise supported multiculturalism, which is to include specific issues.

Clause 27 provides that the Minister may in writing at any time direct a Department Head to include in a report under clause 26, or otherwise to provide the Minister with, any additional information that the Minister considers appropriate and is relevant to his or her reporting requirements under clause 28.

Clause 28 provides that the Minister must cause to be prepared in respect of each financial year, a report consolidating information provided to him or her by Department Heads under clause 26.

The Minister must cause the report to be tabled in Parliament before the end of the following financial year.

PART 7—MISCELLANEOUS

Clause 29 provides that the Governor in Council may make regulations for or with respect to any matter or thing required or permitted by the Bill to be prescribed or necessary to be prescribed to give effect to the Bill.

Clause 30 repeals the **Multicultural Victoria Act 2004**.

Clause 31 provides for transitional provisions, including substituting the new Commission as a party to court proceedings and contracts and deeming any reference to the former Commission in legislation to be a reference to the new Commission.