

APPENDIX 1 - CONSULTATIONS

During Review Process

Illawarra Regional Advisory Council – 27 August 2001

Marta Aquino (Commissioner, Community Relations Commission)

Dr Rogelia Pe-Pua

Helen Zaharis

Helen McGuire

Fadel Benhima (Community Relations Commission Regional Coordinator, Southern NSW)

Settlement Services Coalition – 11 September 2001

Cheryl Webster

Anglicare

Rahile Cahir

Australian Turkish and Kurdish Community Co-op

Joanne Petrovic

Botany Migrant Resource Centre

Ning Dong

Chinese Migrant Welfare Association

Amanda Shrock

Ethnic Communities' Council of NSW

Upekha Nadarajah

Ethnic Communities' Council of NSW

Vicky Jelic

Macarthur Migrant Resource Centre

Racho Donef

Migrant Network Services (Hornsby)

Cathy Preston-Thomas

Refugee Council of Australia

Myriam Bahari

Youth Action Policy Association (YAPA)

NSW Health – 25 September 2001

Michael Kakakios

Health Services Policy Branch

Franca Facci

Illawarra Area Health Service

Clarissa Mulas

Western Sydney Area Health Service

Community Consultation – Orange NSW 18 October 2001

David Hill

Premier's Department, Strategic Projects Division

Jo-Anne Lawrence

Premier's Department, Western NSW Co-ordinator

Kery Myers

Editor, Central West Daily

Dr Dhia Al-Bakri

Mrs Taghri Al-Bakri

Mrs Cecily Butcher

Mr Djuro Chicarlic

Mrs Corazino Chicarlic

Mrs Remy Chiswell

Mr & Mrs Dennis Cross

Mr Zahir Dewji

Mrs Gulnar Dewji
Mrs Anne Emmanuel
Mrs Rosa Evans
Mrs Josephine Evans
Gargi Ganguly
Mr & Mrs Chris Gryllis
Mrs Beverley Holland
Mr & Mrs R. Honarmand
Mrs Anne Hopwood
Mr & Mrs T. Huelmo
Mrs Marie Jagasusinga
Mr & Mrs Inder Kirpalani
Mrs Connie Pena
Dr & Mrs A. Raman
Mrs Ruth Schmid
Mrs Gai Winter
Ms Mary Wyman
Rev Daesop Yuen
Mr Sadequr Ranman
Ms Mona Paul
Mr Ogden

Consultations were also held with the Ethnic Communities' Council of NSW, and consultations were also built into the program of the 2001 Community Relations Forum.

Consultations on Green Paper

Consultations with Public Sector Agencies – 24 July 2002

NSW Health
Department of Gaming & Racing
WorkCover NSW
South Western Sydney Area Health
Bankstown Health Service
Roads & Traffic Authority
State Rail
Macquarie University
Australian Museum
University of Western Sydney
ODEOPE
State Transit Authority

Department of Community Services
Department for Women
The Cabinet Office
Planning NSW
Department of Local Government
Department of Education & Training
Legal Aid Commission of NSW
Department of Fair Trading

Community Consultations – 25 July 2002

Venerable Sudhammo and Venerable Kaset (Dhammakaya International Society of NSW)
Mr Artin Etmekdjian (Chairman, Armenian Council of Australia)
Mr Kengo Harada (Japan Club of Sydney)
Ms Petra Fakhry (Australian Lebanese Association of NSW)
Mr Mihai Maghiaru (Australian Romanian Association)
Professor Giovanni Carsaniga (Co-As-It)
Mr Charley Coorey (Marrickville Council)
Mr Keysar Trad and Mr Khaled Alameddine (Lebanese Moslems Association)

Consultations with the Settlement Services Coalition – 24 August 2002

Anglicare
Auburn Migrant Resource Centre
Australian Chinese Community Association
Australian Turkish & Kurdish Community Centre
Ethnic Communities' Council of NSW
Fairfield Migrant Resource Centre
Gynea Community Aid & Information Service
Indonesian Welfare Association
Macarthur Migrant Resource Centre
Refugee Council of Australia
Youth Action Policy Association

APPENDIX 2 - RESPONSES AND SUBMISSIONS RECEIVED

Responses during review process

Written responses and submissions were received during the review and evaluation of the *Ethnic Affairs Action Plan 2000* from:

Ministry for the Arts
Ministry of Energy and Utilities
Department of Aboriginal Affairs
NSW Agriculture
Department of Community Services
Department of Corrective Services
Department of Education and Training
Department of Fair Trading
NSW Health
Department of Housing
Department of Juvenile Justice
Department of Local Government
Premier's Department
NSW Police
Department of Public Works and Services
Department of Sport and Recreation
Department of State and Regional Development
Tourism NSW
Department of Transport
Department for Women
Central Sydney Area Health Service
Northern Sydney Health Service
South Eastern Sydney Area Health Service
South Western Sydney Area Health Service
Wentworth Area Health Service
Anti-Discrimination Board
Building and Construction Industry Long Service Payments Corporation
Central Coast Waste Board
Centennial Parklands
Environmental Protection Authority
Illawarra Regional Advisory Council – Community Relations Commission
Infrastructure Coordination Unit – CCSU
Legal Aid Commission of NSW
Liquor Administration Board

Mine Subsidence Board
Motor Vehicle Repair Industry Council
Museum of Applied Arts and Sciences (Powerhouse Museum)
Office of the Board of Studies
ODEOPE
Roads and Traffic Authority
Rural Assistance Authority
Sydney Olympic Park Authority
Transcultural Mental Health Centre
Transgid
Waterways Authority
WorkCover Authority of NSW
Charles Sturt University
University of New South Wales
University of Sydney

Non-Government and Community Organisations

Anglican Archdiocese of Sydney
Ethnic Communities' Council of NSW
Randwick Information and Community centre
Settlement Services Coalition

Individual submissions

Hon Dr Peter Wong AM MLC
Mr Bill Jegerow
Mr Edward J Mamo
Ms Dorothy Burns
Ms Elsa Ring
Fr Jose Bairo
Mrs M Danev

Responses to Green Paper

Written submissions on the Green Paper were received from:

The Minister for Western Sydney

Agencies

Ministry of the Arts
Department of Aboriginal Affairs

Department of Ageing Disability and Home Care
Attorney General's Department
NSW Agriculture
Department of Community Services
Department of Corrective Services
Department of Fair Trading
Department of Gaming and Racing
NSW Health
Department of Housing
Department of Industrial Relations
Department of Information Management and Technology
Department of Juvenile Justice
Department of Local Government
Premier's Department
Department of Sport and Recreation
Department of State and Regional Development
NSW Treasury
Department for Women
WorkCover Authority NSW

Ambulance Service NSW
Anti-Discrimination Board
Albury Regional Advisory Council – Community Relations Commission
Illawarra Regional Advisory Council – Community Relations Commission
Environment Protection Agency
NSW Heritage Office
Legal Aid Commission
Liquor Administration Board and Licensing Court of NSW
Museum of Applied Arts and Science (Powerhouse Museum)
National Parks and Wildlife Service
ODEOPE
Office of the Board of Studies
Roads and Traffic Authority
Sporting Injuries Committee
State Library of NSW
Sydney Catchment Authority
Transcultural Mental Health Centre
Waterways Authority

Central Sydney Area Health Service
Illawarra Area Health Service

New England Area Health Service
Northern Sydney Health Service
South Eastern Sydney Area Health Service
South Western Sydney Area Health Service
Wentworth Area Health Service

Charles Sturt University
Macquarie University
University of Sydney

Local Government

City of Albury
City of Sydney
Baulkham Hills Shire Council
The Council of Camden
Canterbury City Council
Coffs Harbour City Council
Cowra Shire Council
Griffith City Council
Hastings Council
Holroyd Council
Lismore City Council
Port Stephens Shire Council
Wyong Shire Council

Non-Government and Community Organisations

BreastScreen NSW (Ms Germana Morassi)
Comites NSW (Committee of Italians Abroad)
Croatian Intercommittee Council
Dubbo Community Services and Information Centre
Eastern Sydney Multicultural Access Project
Elderly Australian Chinese Homes NSW
Ethnic Communities' Council of NSW
Ethnic Communities' Council of Wagga Wagga
FECCA
Federation of P&C Associations
Hepatitis C Council of NSW
Inner South-West Community Development Organisation
NSW Jewish Board of Deputies
The Law Society of NSW
Local Government and Shires Association

Local Government Community Services Association
Marrickville Legal Centre
Ms Lucia Bokulic - for Global Friendship Group, Taree
Macarthur Migrant Resource Centre
Mental Health Coordinating Council
NSW Migrant Resources Forum/ Settlement Services Coalition
Mukti-Gupteshwar Mandir Society
Multicultural Disability Advocacy Assoc of NSW
People With Disabilities NSW Inc
Refugee Council of Australia
Sinhalese Cultural Forum of NSW Aust Inc
Settlement Services Coalition
NSW Teachers Federation

Individual Submissions

Ms Maria-Felita Schilpzand

Appendix 3 - COMMUNITY RELATIONS COMMISSION AND PRINCIPLES OF MULTICULTURALISM ACT 2000

Contents

Part 1 Preliminary

- 1 Name of Act
- 2 Commencement
- 3 Principles of multiculturalism
- 4 Definitions
- 5 Notes

Part 2 Constitution of Commission

- 6 Constitution of Commission
- 7 Membership and procedure of Commission
- 8 Chairperson of Commission
- 9 Staff of Commission
- 10 Regional advisory councils
- 11 Other committees

Part 3 Objectives and functions of Commission

- 12 Objectives of Commission
- 13 Functions of Commission
- 14 Reporting on the state of community relations
- 15 Public authorities to assist Commission
- 16 Delegation of functions

Part 4 Miscellaneous

- 17 Act to bind Crown
- 18 Financial year
- 19 Recovery of money by Commission
- 20 Service of documents on Commission
- 21 Personal liability
- 22 Legal consequences of principles of multiculturalism
- 23 Regulations
- 24 Consequential amendment of other Acts and regulations
- 25 Repeals
- 26 Savings, transitional and other provisions
- 27 Review of Act

Schedules

Schedule 1 Provisions relating to commissioners

Schedule 2 Provisions relating to procedure of Commission

Schedule 3 Consequential amendment of other Acts and regulations

Schedule 4 Savings, transitional and other provisions

Community Relations Commission and Principles of Multiculturalism Act 2000

An Act to establish principles of multiculturalism as the policy of the State; to constitute the Community Relations Commission of New South Wales; to provide for its objectives and functions; to repeal the *Ethnic Affairs Commission Act 1979* and to amend certain other Acts and regulations; and for other purposes.
[Assented to 9 November 2000]

The Legislature of New South Wales enacts:

Preamble

This Act:

- (a) recognises and values the different linguistic, religious, racial and ethnic backgrounds of the people of New South Wales, and
- (b) promotes the equal rights and responsibilities of all the people of New South Wales within a cohesive and harmonious multicultural society in which diversity is regarded as a strength and an asset, individuals share a commitment to Australia, and English is the common language.

The Legislature of New South Wales therefore enacts:

Part 1 - Preliminary

1 Name of Act

This Act is the *Community Relations Commission and Principles of Multiculturalism Act 2000*.

2 Commencement

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

3 Principles of multiculturalism

(1) Parliament recognises that 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. It does so by supporting and promoting the following principles of multiculturalism:

(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 in which they may legally participate.

(b) **Principle 2**

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.

(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 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 also recognises that those principles 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 in which there is:

(a) a recognition of the importance of shared values within a democratic framework governed by the rule of law, and

(b) a unifying commitment to Australia, its interests and future.

The principles of multiculturalism are to be construed accordingly.

(3) The principles of multiculturalism are the policy of the State.

(4) Accordingly, each public authority must observe the principles of multiculturalism in conducting its affairs.

(5) 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.

4 Definitions

In this Act:

Chairperson means the Chairperson of the Commission, being a full-time or part-time Chairperson as referred to in section 8.

citizenship—see section 3 (2).

Commission means the Community Relations Commission of New South Wales constituted by this Act.

cultural diversity means the different linguistic, religious, racial and ethnic backgrounds of the people of New South Wales.

exercise a function includes perform a duty.

function includes a power, authority or duty.

principles of multiculturalism—see section 3.

public authority means any public or local authority constituted by or under an Act, and includes a Government department, a statutory State owned corporation, a local council, a body whose accounts are required to be audited by the Auditor General or any other body prescribed by the regulations.

5 Notes

Notes included in this Act do not form part of this Act.

Part 2 - Constitution of Commission

6 Constitution of Commission

- (1) There is constituted by this Act a corporation with the corporate name of the Community Relations Commission of New South Wales.
- (2) The Commission is, for the purposes of any Act, a statutory body representing the Crown.
- (3) The Commission is subject to the control and direction of the Minister, except in relation to the contents of any advice, report or recommendation given to the Minister or any other person or body.
- (4) The Commission is to adopt the phrase “For a multicultural NSW” for use in conjunction with the name of the Commission.

7 Membership and procedure of Commission

- (1) The Commission is to consist of not more than 11 commissioners, being:

- (a) a full-time Chairperson and part-time commissioners appointed by the Governor, or
 - (b) part-time commissioners appointed by the Governor.
- (1A) Of the part-time commissioners, 2 are to be persons who are appointed as representatives of youth from New South Wales and who are not less than 18 years of age and not more than 24 years of age at the time of their appointment.
- (2) Schedule 1 has effect with respect to the commissioners.
- (3) Schedule 2 has effect with respect to the procedure of the Commission.

8 Chairperson of Commission

- (1) The Chairperson of the Commission is the person holding office as such under Chapter 2 of the *Public Sector Employment and Management Act 2002* (referred to in this Act as a **full-time Chairperson**).
- (2) A full-time Chairperson is the chief executive officer of the Commission.
- (3) If there is no full-time Chairperson, a part-time commissioner may, by the instrument of his or her appointment or by a subsequent instrument executed by the Governor, be appointed as Chairperson of the Commission.

9 Staff of Commission

- (1) Such staff as may be necessary to enable the Commission to exercise its functions may be employed under Chapter 2 of the *Public Sector Employment and Management Act 2002*
- (2) The Commission may arrange for the use of the services of any staff or facilities of a government department or other public authority.
- (3) The Commission may engage such consultants as the Commission requires to assist it in the exercise of its functions.
- (4) For the purposes of this Act, a person who is employed under subsection (1) or whose services are made use of under subsection (2) is an officer of the Commission.

10 Regional advisory councils

- (1) The Commission is to establish regional advisory councils for regional areas of the State.
- (2) The function of a regional advisory council is to advise the Commission on any matter relating to the Commission's functions that the council considers appropriate or that the Commission refers to the council for advice.

- (3) A regional advisory council is to comprise representatives of relevant local or regional agencies, community organisations or individuals and a commissioner of the Commission (who is to be the chairperson of the council). The composition of a regional advisory council is to reflect the diversity of the local community concerned.
- (4) The procedure for the calling of meetings of a regional advisory council and for the conduct of business at those meetings is to be as determined by the Commission or (subject to any determination of the Commission) by the council.

11 Other committees

- (1) The Commission may establish standing committees to assist it in connection with the exercise of any of its functions or special committees to consider and report on particular issues.
- (2) It does not matter that any or all of the members of a committee are not commissioners of the Commission.
- (3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings is to be as determined by the Commission or (subject to any determination of the Commission) by the committee.

Part 3 - Objectives and functions of Commission

12 Objectives of Commission

The objectives of the Commission are as follows:

- (a) participation of the people of New South Wales in community life and the public decision-making process so that they can exercise their rights and fulfil their obligations,
- (b) access to government and community services that is equitable and that has regard to the linguistic, religious, racial and ethnic diversity of the people of New South Wales,
- (c) the promotion of a cohesive and harmonious multicultural society with mutual respect for and understanding of cultural diversity,
- (d) the enrichment of all sections of society through the benefits of cultural diversity,
- (e) the promotion of the principles of multiculturalism and the advantages of a multicultural society,
- (f) the promotion of social justice, community development and community initiatives for ethnic communities in New South Wales.

13 Functions of Commission

The functions of the Commission are as follows:

- (a) to undertake systematic and wide-ranging consultation with people and groups with respect to its objectives,
- (b) to advise and make recommendations to the Minister to promote any of its objectives,
- (c) to 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 investigation and report,
- (d) to arrange and participate in forums to promote its objectives,
- (e) to facilitate co-operative arrangements involving governmental, business, educational and community groups or bodies to promote its objectives,
- (f) to enter into agreements with public authorities in connection with their functions to promote the objectives of the Commission (including, but not limited to, the objective relating to access to government services),
- (g) to assist, and assess the effectiveness of, public authorities in observing the principles of multiculturalism in the conduct of their affairs, particularly in connection with the delivery of government services,
- (h) to assist in resolving issues associated with cultural diversity,
- (i) to provide (whether within or outside New South Wales) interpreter or other services approved by the Minister,
- (j) to advise the Minister on the most effective use of funds appropriated by Parliament for programs related to its objectives (including funds for the provision of resources to community groups that promote the objectives of the Commission),
- (k) to support community initiatives that promote the objectives of the Commission,
- (l) to encourage eligible people to become Australian citizens,
- (m) to advise and make recommendations to the Anti-Discrimination Board on matters relating to discrimination and racial vilification,
- (n) such other functions as are conferred or imposed on it by or under this or any other Act.

14 Reporting on the state of community relations

- (1) The Commission is to prepare a report, for each calendar year, on the state of community relations in New South Wales as affected by cultural diversity, including an assessment of the effectiveness of public authorities in observing the principles of multiculturalism in the conduct of their affairs.
- (2) The report may include recommendations of the Commission in relation to any relevant matters.
- (3) The report is to be furnished to the Minister before the end of March in the year following the year to which the report relates.
- (4) 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.
- (5) 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 that House.
- (6) 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 the 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.

15 Public authorities to assist Commission

- (1) This section applies to any investigation conducted by the Commission under this Act that affects the functions of a public authority.
- (2) The public authority is to give the Commission all such assistance and make available all such information with respect to any such function as the Commission may require for the purposes of that investigation.
- (3) Public authorities may, at the request of the Commission, provide officers of the public authority to be members or to advise members of committees of the Commission established to advise and report on any issue for the purposes of that investigation.

16 Delegation of functions

- (1) The Commission may delegate to the Chairperson any of the functions of the Commission (other than this power of delegation).
- (2) The Chairperson may sub-delegate to an officer of the Commission any function delegated by the Commission if the Chairperson is authorised in writing to do so by the Commission.

Part 4 – Miscellaneous

17 Act to bind Crown

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, **the Crown in all its other capacities**.

18 Financial year

- (1) The financial year of the Commission is the year commencing on 1 July.
- (2) A different financial year may be determined by the Treasurer under section 4 (1A) of the *Public Finance and Audit Act 1983*.

Note. The *Public Finance and Audit Act 1983* makes provision for the keeping and audit of the accounts of the Commission and the *Annual Reports (Departments) Act 1985* makes provision for the preparation and tabling in Parliament of the annual report of the Commission.

19 Recovery of money by Commission

Any charge, fee or money due to the Commission, or to the Crown in respect of any of the activities of the Commission, may be recovered by the Commission as a debt, if no express provision is otherwise made for its recovery.

20 Service of documents on Commission

- (1) A document may be served on the Commission by leaving it at, or by sending it by post addressed to, the Commission's office or, if it has more than one office, any of its offices.
- (2) Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on the Commission in any other manner.

21 Personal liability

A matter or thing done by the Commission, by a commissioner of the Commission or by a person acting under the direction of the Commission or a commissioner does not, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject a commissioner or a person so acting personally to any action, liability, claim or demand.

22 Legal consequences of principles of multiculturalism

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

23 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

24 Consequential amendment of other Acts and regulations

The Acts and regulations set out in Schedule 3 are amended as set out in that Schedule.

25 Repeals

- (1) The Ethnic Affairs Commission Act 1979 is repealed.
- (2) The *Ethnic Affairs Commission Regulation 1997* is repealed.

26 Savings, transitional and other provisions

Schedule 4 has effect.

27 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

Schedule 1 – Provisions relating to commissioners

(Section 7 (2))

1 Definitions

In this Schedule:

commissioner means any commissioner of the Commission, including the Chairperson.

part-time commissioner means a commissioner other than a full-time Chairperson.

2 Chairperson

- (1) The Chairperson (other than a full-time Chairperson) vacates office as Chairperson if the person:
 - (a) is removed from office by the Governor under this clause, or
 - (b) ceases to be a commissioner.

- (2) The Governor may at any time remove the Chairperson (other than a full-time Chairperson) from office as Chairperson.

Note. The *Public Sector Employment and Management Act 2002* makes provision for the removal of a full-time Chairperson from office.

- (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 Chairperson.

- (4) For the purposes of this clause, a vacancy in the office of Chairperson is taken to be an absence of a full-time Chairperson.

3 Deputy Chairperson

- (1) A part-time commissioner may, by the instrument of his or her appointment or by a subsequent instrument executed by the Governor, be appointed as Deputy Chairperson of the Commission.
- (2) The Deputy Chairperson vacates office as Deputy Chairperson if the person:
 - (a) is removed from office by the Governor under this clause, or
 - (b) ceases to be a commissioner.

- (3) The Governor may at any time remove the Deputy Chairperson from office as Deputy Chairperson.

4 Deputies of part-time commissioners

- (1) The Minister may, from time to time, appoint a person to be the deputy of a part-time commissioner, and the Minister may revoke any such appointment.
- (2) In the absence of a part-time commissioner, the commissioner's deputy:
 - (a) may, if available, act in the place of the absent commissioner, and
 - (b) while so acting, has all the functions of the commissioner (other than any functions the commissioner has as Chairperson, acting Chairperson or Deputy Chairperson) and is taken to be a part-time commissioner.
- (3) A person while acting in the place of a part-time commissioner is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.
- (4) For the purposes of this clause, a vacancy in the office of a part-time commissioner is taken to be an absence of the commissioner.

5 Part-time commissioners undertaking full-time duties

- (1) The Minister may, at the request of the Commission, authorise a part-time commissioner to be engaged on a full-time or other basis on any particular work for the Commission or a committee of the Commission.
- (2) A part-time commissioner is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of any such work (in addition to any other remuneration to which the part-time commissioner is entitled under this Schedule).
- (3) Any such commissioner continues to be a part-time commissioner for the purposes of this Act.

6 Terms of office of part-time commissioners

Subject to this Schedule, a part-time commissioner holds office for such period (not exceeding 5 years) as is specified in the commissioner's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

7 Remuneration

A part-time commissioner is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the commissioner.

8 Vacancy in office of part-time commissioner

- (1) The office of a part-time commissioner becomes vacant if the commissioner:
 - (a) dies, or
 - (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by instrument in writing addressed to the Minister, or
 - (d) is removed from office by the Governor under this clause or under Chapter 5 of the *Public Sector Employment and Management Act 2002*, or
 - (e) is absent from 4 consecutive meetings of the Commission of which reasonable notice has been given to the commissioner personally or in the ordinary course of post, except on leave granted by the Commission or unless, before the expiration of 4 weeks after the last of those meetings, the commissioner is excused by the Commission for having been absent from those meetings, or
 - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
 - (g) becomes a mentally incapacitated person, or
 - (h) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) The Governor may at any time remove a part-time commissioner from office.

9 Disclosure of pecuniary interests

- (1) If:
 - (a) a commissioner has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Commission, and
 - (b) the interest appears to raise a conflict with the proper performance of the commissioner's duties in relation to the consideration of the matter,the commissioner must, as soon as possible after the relevant facts have come to the commissioner's knowledge, disclose the nature of the interest at a meeting of the Commission.
- (2) A disclosure by a commissioner at a meeting of the Commission that the commissioner:
 - (a) is a member, or is in the employment, of a specified company or other body, or
 - (b) is a partner, or is in the employment, of a specified person, or

- (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under this clause.

- (3) The Commission must cause particulars of any disclosure made under this clause to be recorded in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of such fee as may be determined by the Commission from time to time.
- (4) After a commissioner has disclosed the nature of an interest in any matter, the commissioner must not, unless the Minister or the Commission otherwise determines:
 - (a) be present during any deliberation of the Commission with respect to the matter, or
 - (b) take part in any decision of the Commission with respect to the matter.
- (5) For the purposes of the making of a determination by the Commission under subclause (4), a commissioner who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
 - (a) be present during any deliberation of the Commission for the purpose of making the determination, or
 - (b) take part in the making by the Commission of the determination.
- (6) A contravention of this clause does not invalidate any decision of the Commission.

10 Filling of vacancy in office of part-time commissioner

If the office of a part-time commissioner becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

11 Effect of certain other Acts

- (1) Chapter 2 of the *Public Sector Employment and Management Act 2002* does not apply to or in respect of the appointment of a part-time commissioner.
- (2) If by or under any Act provision is made:
 - (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
 - (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a part-time commissioner or from accepting and retaining any remuneration payable to the person under this Act as such a commissioner.

Schedule 2 – Provisions relating to procedure of Commission

(Section 7 (3))

1 Definition

In this Schedule:

commissioner means any commissioner of the Commission, including the Chairperson.

2 General procedure

The procedure for the calling of meetings of the Commission and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Commission.

3 Quorum

The quorum for a meeting of the Commission is a majority of commissioners for the time being.

4 Presiding member

(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.

(2) In the absence of both the Chairperson and the Deputy Chairperson, another commissioner elected to chair the meeting by the commissioners present at the meeting is to preside at the meeting.

(3) The person presiding at any meeting of the Commission has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

5 Voting

A decision supported by a majority of the votes cast at a meeting of the Commission at which a quorum is present is the decision of the Commission.

6 Transaction of business outside meetings or by telephone

(1) The Commission may, if it thinks fit, transact any of its business by the circulation of papers among all the commissioners for the time being, and a resolution in writing approved in writing by a majority of those commissioners is taken to be a decision of the Commission.

- (2) The Commission may, if it thinks fit, transact any of its business at a meeting at which the commissioners (or some of them) participate by telephone, closed-circuit television or other means, but only if any commissioner who speaks on a matter before the meeting can be heard by the other commissioners.
- (3) For the purposes of:
 - (a) the approval of a resolution under subclause (1), or
 - (b) a meeting held in accordance with subclause (2),
 the Chairperson and each commissioner have the same voting rights as they have at an ordinary meeting of the Commission.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the Commission.
- (5) Papers may be circulated among the commissioners for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

7 Attendance by non-members

- (1) A person authorised by the Commission or the Chairperson may attend a meeting of the Commission, and may participate in the meeting to the extent that the Commission determines.
- (2) A person attending a meeting of the Commission under this clause cannot cast a vote at the meeting.

8 First meeting

The Minister is to call the first meeting of the Commission in such manner as the Minister thinks fit.

Schedule 3 – Consequential amendment of other Acts and regulations

(Section 24)

3.1 Annual Reports (Departments) Regulation 2000

[1] Schedule 1 Report of operations

Omit “ethnic affairs agreement” from Column 1.

Insert instead “any agreement”.

[2] Schedule 1

Omit “A statement describing any ethnic affairs agreement entered into between the Department and the Ethnic Affairs Commission and a statement setting out the Department’s progress in implementing any such agreement.” from Column 2.

Insert instead “A statement describing any agreement entered into between the Department and the Community Relations Commission under the *Community Relations Commission and Principles of Multiculturalism Act 2000* and a statement setting out the Department’s progress in implementing any such agreement.”.

3.2 Annual Reports (Statutory Bodies) Regulation 2000

[1] Schedule 1 Report of operations

Omit “ethnic affairs agreement” from Column 1.

Insert instead “any agreement”.

[2] Schedule 1

Omit “A statement describing any ethnic affairs agreement entered into between the statutory body and the Ethnic Affairs Commission and a statement setting out the statutory body’s progress in implementing any such agreement.” from Column 2.

Insert instead “A statement describing any agreement entered into between the statutory body and the Community Relations Commission under the *Community Relations Commission and Principles of Multiculturalism Act 2000* and a statement setting out the statutory body’s progress in implementing any such agreement.”.

3.3 Anti-Discrimination Act 1977 No 48

Section 122I Functions

Omit “Ethnic Affairs Commission of New South Wales” from section 122I (3).

Insert instead “Community Relations Commission”.

3.4 Local Government Act 1993 No 30

[1] Section 8 The council’s charter

Omit “principles of cultural diversity” from section 8 (1).

Insert instead “principles of multiculturalism”.

[2] Section 428 Annual reports

Omit “principles of cultural diversity” from section 428 (2) (j).

Insert instead “principles of multiculturalism”.

[3] Dictionary

Omit the definition of *principles of cultural diversity* and the note at the end of that definition.

Insert instead:

principles of multiculturalism means the principles set out in section 3 of the *Community Relations Commission and Principles of Multiculturalism Act 2000*.

3.5 Medical Practice Act 1992 No 94

Section 130 Membership

Omit “Ethnic Affairs Commission of New South Wales” from section 130 (2) (d).

Insert instead “Community Relations Commission”.

3.6 Public Finance and Audit Act 1983 No 152

Schedule 3 Departments

Omit “Ethnic Affairs Commission” from Column 1.

Insert instead “Community Relations Commission”.

3.7 Public Sector Management Act 1988 No 33

Schedule 1 Departments

Omit “Ethnic Affairs Commission” from Column 1.

Insert instead “Community Relations Commission”.

3.8 Superannuation Act 1916 No 28

Schedule 26, Part 1 Public Authorities

Omit “Ethnic Affairs Commission”.

Insert instead “Community Relations Commission”.

3.9 Workplace Injury Management and Workers Compensation Act 1998 No 86

Section 118 Registration of certain persons involving interpreting etc services (cf former s 125)

Omit “Ethnic Affairs Commission” from section 118 (3) (b) (ii).

Insert instead “Community Relations Commission”.

Schedule 4 Savings, transitional and other provisions

(Section 26)

Part 1 Preliminary

1 Definition

In this Schedule:

former Act means the *Ethnic Affairs Commission Act 1979*.

2 Savings and transitional regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

this Act *Community Relations Commission and Principles of Multiculturalism Amendment Act 2003*

- (2) Any such provision may, if the regulations so provide, take effect on the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect on a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Part 2 Provisions arising from enactment of this Act

3 Abolition of Ethnic Affairs Commission

- (1) The Ethnic Affairs Commission constituted under the former Act is abolished.
- (2) The Community Relations Commission is a continuation of, and the same legal entity as, the Ethnic Affairs Commission.
- (3) A reference to the Ethnic Affairs Commission in any other Act, in any instrument made under any other Act or in any document is to be read as a reference to the Community Relations Commission.

4 Chairperson of Ethnic Affairs Commission

The person who held office as Chairperson of the Ethnic Affairs Commission immediately before its abolition by this Act is taken to have been appointed under Part 2 of the *Public Sector Management Act 1988* as the full-time Chairperson of the Community Relations Commission for the balance of the person's term of office as Chairperson of the Ethnic Affairs Commission.

5 Commissioners (other than Chairperson) of Ethnic Affairs Commission

- (1) A person who held office as a commissioner of the Ethnic Affairs Commission (other than the Chairperson) immediately before its abolition by this Act is taken to have been appointed under this Act as a part-time commissioner of the Community Relations Commission for the balance of the person's term of office as a commissioner of the Ethnic Affairs Commission.
- (2) Any such person who also held office as the Deputy Chairperson of the Ethnic Affairs Commission immediately before its abolition by this Act is taken to have been appointed under this Act as the Deputy Chairperson of the Community Relations Commission.
- (3) This clause has effect even though the number of persons taken to be appointed as commissioners of the Community Relations Commission exceeds the maximum number of commissioners permitted by this Act.