

# APPENDIX 3

## Statement of Affairs

*THIS STATEMENT was prepared in pursuance of Section 14 (1) (a) of the Freedom of Information Act, 1989. Its aim is to provide an overview of the activities of the Ethnic Affairs Commission and to provide to the public or clients of the Commission an indication of when FOI procedures may, or need not, be necessary.*

### Establishment

The Ethnic Affairs Commission was established in terms of the Ethnic Affairs Commission Act, 1979, and commenced operation on 1 December, 1979.

Following a review of ethnic affairs in New South Wales, amendments to the Act were passed through State Parliament on 25 November 1996, and the Ethnic Affairs Commission Amendment Bill was subsequently proclaimed in February 1997.

The Ethnic Affairs Commission Act provides for the appointment by the Governor of up to fifteen Commissioners. As at 30 June 2000, the Commission consists of one full time Chairman, one part time Deputy Chairperson, and six part-time commissioners.

Commissioners are appointed on the basis of their qualifications, experience, and knowledge and sensitivity to multicultural issues.

Commissioners are not appointed on the basis of their ethnicity. However it has been the practice to rotate appointments to ensure that different ethnic groups are represented at various times.

On 8 April 1999, the Premier, the Honourable Bob Carr MP, announced he would assume the title of Minister for Citizenship and that the Ethnic Affairs Commission would be restructured as a Community Relations Commission. The Government also created the new portfolio position of Minister Assisting the Premier on Citizenship and appointed the Honourable Morris Iemma MP as the new Minister.

The establishment of a Community Relations Commission marks a new approach and is a significant step forward, building on the achievements of the Government of New South Wales and its Ethnic Affairs Commission over the last two decades. The Community Relations Commission will be tasked with the responsibility to promote community harmony, participation and access to services so that the contribution of cultural diversity to New South Wales is recognised and celebrated.

## Objects and Functions

The New South Wales Government has implemented its commitment to review the Commission and the Ethnic Affairs Commission Act and to develop an Ethnic Affairs Commission Action Plan 2000. On 30 May 1997 the New South Wales Government released the White Paper *Building on our Cultural Diversity* (Ethnic Affairs Action Plan 2000) which outlines ethnic affairs policy up to and beyond the year 2000.

The White Paper spells out the key roles of the Government in ethnic affairs and details the major activities and responsibilities of government agencies in terms of better meeting the needs of our culturally diverse society.

The objects and functions of the Commission are detailed in part III, sections 15 and 16 of the Ethnic Affairs Commission Act 1979.

The objects of the Commission are:

- (a) to encourage the full participation of persons comprising ethnic groups in the community in all aspects of life in New South Wales, such as the social, economic, public and cultural life of the community;
- (b) to promote the unity of all ethnic groups in the community as a single society consistently with the recognition of their different cultural identities;
- (c) to promote liaison and cooperation between bodies concerned in ethnic affairs.
- (d) to promote the social, cultural and economic benefits of a culturally diverse society.

The functions of the Commission are:

- (a) to investigate, and report and make recommendations to the Minister on, any aspect of ethnic affairs which is referred to it by the Minister or which it considers requires action;
- (b) to examine, and advise the Minister on, any representations made to the Minister by or on behalf of any persons forming or forming part of any ethnic group in the community and referred to it by the Minister;
- (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;
- (d) to advise the Minister on the most effective use of funds appropriated by Parliament for expenditure in relation to ethnic affairs;
- (e) to arrange and coordinate meetings, discussions, seminars and conferences with respect to ethnic affairs;
- (f) to consult with governmental, business, industrial, educational, and community bodies or groups for the purpose of ascertaining a means of improving conditions affecting ethnic affairs;

- (g) to report and make recommendations to the Anti-Discrimination Board constituted under the Anti-Discrimination Act, 1977, on matters relating to the avoidance of discrimination on the basis of ethnic origin.
- (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.

## Organisation

In order to carry out the functions prescribed under the Ethnic Affairs Commission Act 1979, the Commission operates as an administrative office under the Public Sector Management Act. Its structure includes four divisions - Corporate Services, Policy and Liaison, Executive Services and Public Affairs, and Language Services.

In addition, section 20 of the Act allows for the establishment of committees of commissioners or commissioners and other persons as required to assist the Commission to carry out its functions.

For the financial year ending 30 June 2000 the Commission operated on a total annual budget (accrual) of \$12.2 million. This is funded by a recurrent allocation of \$9.189million, \$0.3 million reimbursement from consolidated fund entity, capital allocation of \$0.510 million and user charges of \$2.3 million. The Commission's operating budget comprises of employee related costs of \$8.5 million, \$2.0 million other operating expenses. In the 1999/00 financial year the Commission had a budget of \$1.5 million for grants. See also Annual Report appendix for *Schedule of Major Assets*.

The Commission has offices at:

- 164 Liverpool Road, Ashfield (head office). Telephone (02) 9716 2222.
- State Office Block, 84 Crown Street, Wollongong. Telephone (02) 4226 8480.
- 79 Hunter Street, Newcastle. Telephone (02) 4929 4191.

## Advisory Committees and Sub-Committees

Refer also to the diagram *Organisational Structure – Boards and Committees*.

## **EAPS Council**

In October 1997 on the recommendation of the Ethnic Affairs Commission, the Premier established the EAPS Council under Section 22 of the Ethnic Affairs Commission Act to provide policy direction for the Ethnic Affairs Priorities Statements (EAPS) program.

The Council is convened by the Chair of the Commission, and comprises six part-time Commissioners and the Director of the Commission's Policy and Liaison Division.

## **Regional Advisory Committees**

The Commission operates regional advisory committees to enable enhanced community input into policy formulation and community comment on prevailing regional issues. These committees are operating in the Illawarra, Western Sydney, Hunter, Northern, and Tamworth/Armidale regions. The committees are convened by part-time commissioners and their recommendations are brought to the attention of the Commission.

## **Grants Advisory Committee**

The role of the Commission's Grants Advisory Committee is to assist in the process of assessment of applications submitted under the Commission's Community Development Grants Program. The Committee comprises community representatives and meets to consider and make recommendations to the Commission based on the criteria and priority areas for funding stated in the guidelines of the grants program.

## **Structure and Activities of the Ethnic Affairs Commission**

Refer also to the diagram *Organisation Structure – Functional*.

### **Corporate Services Division**

Financial and human resources and accommodation services are managed by this division. Responsibilities include budgeting, financial management, risk management, purchasing, asset control, accommodation, staffing and human resources management.

Sixteen people including the Chair and Administrative Assistant are employed in this division.

## **Policy and Liaison Division**

The division oversees the development and implementation of ethnic affairs policies across the spectrum of government activities. Its responsibilities include the provision of advice to the Minister and the Commission on policy matters; monitoring the implementation of Government policy on ethnic affairs, especially as outlined in the Ethnic Affairs Commission Act and the Annual Reports Act as amended; liaison with community groups including conducting community consultations; and the development and maintenance of comprehensive community profiles.

Policy and Liaison Division comprises two teams which have responsibilities for specific portfolio areas and non-English speaking background communities. Twenty-two people are employed in this area. This figure includes a Regional Coordinator located at each of the Commission's offices in Wollongong and Newcastle.

## **Executive Services & Public Affairs**

ESPA is the primary contact between the Ethnic Affairs Commission and the office of the Premier and Minister for Citizenship. It is responsible for the maintenance of efficient and effective communication between the Commission and the office of the Minister.

ESPA employs a total of 20 staff and its areas of responsibility include:

- Total Quality Management
- Ministerial liaison
- Grants administration
- Executive support
- Training and education
- Freedom of Information
- Corporate and strategic planning
- Annual report coordination
- Media and public affairs
- Publications
- Library administration
- Community centre management
- Website development
- Information technology
- Records management

The Ethnic Affairs Commission's commitment to improved customer service continued to be a main focus in the implementation of Total Quality across the organisation. Total Quality became an integral part of the corporate planning process.

The development of the Commission's 1998-2001 corporate plan applied the outcomes of the Guided Self Assessment conducted by the Commission in 1996 and the Total Quality Management Planning in 1997.

### **Language Services Division.**

The primary objective and function of the Language Services Division is to provide efficient, cost-effective and quality interpreting and translating services to people of non-English speaking background within NSW, to ensure full participation in community life.

The services are available to all State Government departments and agencies, private and commercial organisations, community groups and individuals. Services are provided on a user-pays basis, with exemptions granted on a needs basis.

The interpreting service is available 24 hours a day.

29 full-time staff and 535 active casual Interpreters/Translators (342 inactive) are employed in this division.

### **Planning Mechanisms**

The following planning mechanisms are in place in respect of the Ethnic Affairs Commission:

- (1) Meetings of the Ethnic Affairs Commission are convened monthly (or more often if required) to determine policy and priorities.
- (2) The meetings of the Commission's senior executive staff play a major role in planning the activities of the Commission. These meetings are held weekly and provide a venue for the planning of day to day activities of the Commission.
- (3) The 1998-2001 Corporate Plan identifies the goals of the Commission and outlines strategies to ensure the achievement of the corporate objectives. The Commission undertook a review of its Corporate Plan to ensure relevance to the Government's ethnic affairs objectives articulated in the amendments to the Ethnic Affairs Commission Act and the White Paper *Building on our Cultural Diversity*.
- (4) The Government's White Paper, *Building on Our Cultural Diversity* (Ethnic Affairs Action plan 2000), outlines the future direction of ethnic affairs policy in NSW. The Plan describes proposed roles for the NSW Government in ethnic affairs, key result areas and outcomes to be achieved by the year 2000, as well as new reporting and monitoring arrangements. The three key result areas identified in the Plan are *Social Justice, Community Harmony, and Economic and Cultural Opportunities*.

To ensure the timely and efficient implementation of the Action Plan 2000, the Government requires all agencies, including statutory authorities, to provide Ethnic Affairs Priorities Statements (EAPS) on an annual basis. Each EAPS will indicate the recent achievements of the agency in implementing the Action Plan 2000, as well as foreshadowing the initiatives that will be undertaken. To ensure that EAPS are publicly accessible and fully implemented into the core business of all government agencies, the Government now requires that EAPS be printed in each agency's annual report. The report should also give details of any Ethnic Affairs Agreements which the agency has entered into with the Commission. Furthermore, from 1997, the Commission was required to annually produce a report to Parliament on the status of ethnic affairs in New South Wales.

## Criteria for Measuring the Commission's Performance

The Commission is sensitive to community response to its policy decisions. Field staff provide information on community reaction. In addition, the Commission has in place a newspaper monitoring program to provide feedback on community reaction.

The Corporate Plan outlines a series of goals, sub-goals and strategies of the Commission for the four year period from 1998 to 2001. Pre-determined performance indicators measure the achievement of the Commission's corporate objectives.

## Effect of the Commission's Functions on Members of the Public

The Commission's functions affect the public in the following ways:

- , The provision of interpreter and translation services has immediate benefit for non-English speaking clients of the Commission both in personal matters and in their dealings with government departments.
- , Ethnic affairs policies and programs in the NSW public sector are based on the Ethnic Affairs Commission Act as amended in 1996. The Act incorporates four Principles of Cultural Diversity and makes the Chief Executive Officers of public sector agencies responsible for the implementation of the principles.
- , The Act seeks to ensure that the public sector is responsive to the needs of, and the opportunities created by, a culturally diverse society.
- , The Commission's policy and liaison programs are an avenue by which the needs of ethnic community groups may be brought to the attention of the government.
- , The Commission administers a library which is open to members of the public. Whilst it is not a lending library, members of the public are welcome to use it for reference purposes.
- , The Commission accepts submissions on matters relating to ethnic affairs, and is prepared to examine them in the context of Government policy.

## Arrangements for Public Participation in Policy Formulation

The Commission welcomes the comments of the public on issues relating to ethnic affairs and service delivery. This is achieved through the activities of its regional advisory committees, the Commission's Customer Council (which looks at ways to improve the translating and interpreting services), the conduct of seminars and forums, and the distribution of documents for public discussion.

When vacancies arise, membership of the regional advisory committees or of the Customer Council is invited through advertisements placed in the press, including the ethnic and regional press.

Customer Council members serve a two year term, community members of regional advisory committees are appointed for three years.

The Review of the Ethnic Affairs Commission Act included consultations with a large number of individuals and groups across the state. These led to the release of the Green Paper which was added to and amended where appropriate to transform it into the White Paper, *Building on our Cultural Diversity*.

## Description of the Types of Documents Held by the Commission

### A. (i) The following documents are held at the Commission and are available free of charge to the public.

- Policy documents and guidelines on the Commission's grants programs
- White Paper, *Building on our Cultural Diversity*
- Corporate Plan 1998-2001
- Annual reports
- Guidelines for exemptions from payment for language services
- Guidelines for the operation of Regional Advisory Committees

Commission reports and publications on a range of matters such as religious development in NSW, Language Services Resource Kit, Ethnic Affairs Report 1999, serial sponsorship (a background paper prepared jointly by the Commission and the NSW Ministry for the Status and Advancement of Women), and police and ethnic communities, to name a few, are also available.

### (ii) Documents available for purchase

A small number of Commission publications are also available for purchase, including *The People of New South Wales - Statistics from the 1996 Census*, which provides a statistical profile of every local government area in the State.

A full list of Commission publications is available from the Commission Librarian.

### B. The following documents are not normally available for public inspection:

- departmental files and records which include correspondence and file notes in respect of all of the Commission's operations.
- agendas and minutes of Commission meetings.
- departmental files in respect of staff recruitment, staff training, and staff members personal files and information.

- departmental files containing information on grant applications, and assessments of applications.
- background notes on ethnic community groups.
- documentation on requests for translations.
- documentation on interpreting assignments.

Information is stored at the Commission's offices as either traditional paper files or as computer records.

### Access Arrangements, Procedures and Points of Contact

The documents listed under part A are available from the Commission's librarian, who is located at the ground floor, 164 Liverpool Road, Ashfield. The telephone number is (02) 9716 2278, Monday to Friday between 9.00 am and 5.00 pm.

If access to documents listed under part B is required in the context of the Freedom of Information legislation, an approach should be made to the Freedom of Information Officer at level 1, 164 Liverpool Road, Ashfield. The telephone number is (02) 9716 2747 during the same hours of business on weekdays.

**Charges for access** to the documents are in accordance with the guidelines established by the Freedom of Information Unit:

NATURE OF APPLICATION	APPLICATION FEE	PROCESSING CHARGE
Access to records by natural persons about their personal affairs	\$30 <sup>1</sup>	\$30 per hour after first 20 hours <sup>1</sup>
All other requests	\$30 <sup>1</sup>	\$30 per hour*
Internal review <sup>3</sup>	\$40 <sup>1,2</sup>	Nil
Amendment of records	Nil <sup>2</sup>	Nil

<sup>1</sup> subject to 50% reduction for financial hardship and public interest reasons. Pensioners who hold Health Benefits card as well as those applicants with an income who are considered to be under financial hardship are entitled to the rebate.

<sup>2</sup> refunds may apply as a result of successful internal reviews and successful applications for amendment of records.

<sup>3</sup> application fees will not be charged for internal reviews in relation to amendment of records.