

Authorised Version No. 001
Multicultural Victoria Act 2011

No. 14 of 2011

Authorised Version as at
1 September 2011

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Preamble

- (1) The Parliament recognises and values the cultural, religious, racial and linguistic diversity of the people of Victoria.
- (2) The Parliament further recognises that one of the central tenets of multiculturalism is citizenship and that the expression citizenship is not limited to formal Australian citizenship, but refers to the rights and responsibilities of all people in a multicultural society.
- (3) The Parliament wishes to promote Victoria as a united community with shared laws, values, aspirations and responsibilities within which people from a diversity of backgrounds have—
 - (a) the freedom and opportunity to preserve and express their cultural heritage; and
 - (b) the freedom and opportunity to participate and contribute to the social, cultural, economic and political life of Victoria; and
 - (c) equal rights and responsibilities under the laws of Victoria.

The Parliament of Victoria therefore enacts:

PART 1—PRELIMINARY

1 Purposes

The purposes of this Act are to—

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

2 Commencement

- (1) Subject to subsection (2), this Act comes into
operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into
operation before 1 February 2012, it comes into
operation on that day.

3 Definitions

- (1) In this Act—

Acting Chairperson means a member of the
Commission appointed to act as the
Chairperson under section 17;

Chairperson means the member of the
Commission appointed to be the Chairperson
of the Commission under section 14;

Commission means the Victorian Multicultural Commission established by section 6;

Councillor has the same meaning as in the **Local Government Act 1989**;

Department has the same meaning as in the **Public Administration Act 2004**;

Department Head has the same meaning as in the **Public Administration Act 2004**;

Deputy Chairperson means the member of the Commission appointed to be the Deputy Chairperson of the Commission under section 16;

diverse means culturally, religiously, racially and linguistically diverse;

diversity means cultural, religious, racial and linguistic diversity;

electorate officer means a person employed as an electorate officer under Part 4 of the **Parliamentary Administration Act 2005**;

Ministerial officer means a person employed as a Ministerial officer under Division 1 of Part 6 of the **Public Administration Act 2004**;

Parliamentary adviser means a person employed as a Parliamentary adviser under Division 2 of Part 6 of the **Public Administration Act 2004**;

regional advisory council means a regional advisory council established under section 22.

- (2) A reference in sections 12, 18 and 19 to Chairperson includes a reference to Acting Chairperson.

PART 2—PRINCIPLES OF MULTICULTURALISM

4 Principles of multiculturalism

- (1) The Parliament recognises that the people of Victoria are united in their shared commitment to—
 - (a) a democratic framework governed by the rule of law; and
 - (b) Victoria and Australia and to the people, interests and future of Victoria and Australia.
- (2) The Parliament further recognises that all Victorians come from diverse backgrounds and values the richness that such diversity brings to the Victorian community.
- (3) The Parliament supports the rights and responsibilities of citizenship to which subsection (1) refers and promotes the diversity to which subsection (2) refers by recognising the following principles of multiculturalism—
 - (a) all individuals in Victoria are entitled to mutual respect and understanding regardless of their diverse backgrounds;
 - (b) all individuals and institutions in Victoria should promote and preserve diversity within the context of shared laws, values, aspirations and responsibilities;
 - (c) all individuals in Victoria (regardless of background) have shown that they can work together to build a positive and progressive future and this co-operation is to be encouraged so as to enhance Victoria as a great place in which to live;
 - (d) all individuals in Victoria are equally entitled to access opportunities and participate in and contribute to the social, cultural, economic and political life of the State;

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- (e) all individuals in Victoria have a responsibility to abide by the State's laws and respect the democratic processes under which those laws are made;
 - (f) all individuals in Victoria should be united in a shared commitment to Australia and to community service;
 - (g) all individuals and institutions should recognise Victoria's diversity as an asset and a valuable resource benefiting Australia.
- (4) The Parliament further recognises that Victoria's diversity should be reflected in a whole of government approach to policy development, implementation and evaluation.
- (5) It is the intention of the Parliament that this Act is to be administered and interpreted having regard to the principles of multiculturalism set out in subsection (3).

5 Effect of this Part

The Parliament does not intend by this Part to create in any person any legal right or to give rise to any civil cause of action.

PART 3—VICTORIAN MULTICULTURAL COMMISSION

6 Victorian Multicultural Commission

- (1) The Victorian Multicultural Commission is established.
- (2) The Commission is to adopt the phrase "strengthening our community" for use in conjunction with the name of the Commission.

7 Objectives of the Commission

The objectives of the Commission are to—

- (a) promote full participation by Victoria's diverse communities in the social, cultural, economic and political life of Victoria; and
- (b) promote access by Victoria's diverse communities to services made available by governments and other bodies; and
- (c) encourage all of Victoria's diverse communities to retain and express their social identity and cultural inheritance and to promote mutual respect; and
- (d) promote co-operation between bodies concerned with multicultural affairs and diversity; and
- (e) promote unity, understanding and harmony among Victoria's diverse communities; and
- (f) promote a better understanding of Victoria's diverse communities; and
- (g) promote interaction between individuals and communities from diverse backgrounds; and
- (h) promote the social, cultural and economic benefits of diversity; and

- (i) promote the rights and responsibilities of citizenship as a unifying force that strengthens our diverse multicultural community; and
- (j) promote community service as a principle that builds a stronger society.

8 Functions of the Commission

The functions of the Commission are to—

- (a) ensure that the objectives of the Commission are met to the maximum extent that is practicable; and
- (b) research, report and advise the Minister on systemic community issues relating to the objectives of the Commission—
 - (i) that are identified by regional advisory councils or through other community consultation; or
 - (ii) that relate to the adequacy of government services, settlement support or service delivery for diverse communities; and
- (c) investigate, report and make recommendations to the Minister on any aspect of multicultural affairs referred to it by the Minister; and
- (d) advise the Minister on factors inhibiting the development of harmonious community relations and on barriers to the participation of Victoria's diverse communities in the social, cultural, economic and political life of Victoria; and

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- (e) undertake systematic and wide-ranging consultation with bodies and people to—
 - (i) determine the needs of Victoria's diverse communities, including any needs covered by a report prepared by the Minister under section 28; and
 - (ii) promote the objectives of the Commission; and
 - (f) develop and maintain partnerships between community organisations in providing assistance in settlement support and service delivery for diverse communities; and
 - (g) develop and maintain harmonious community relations between all relevant groups in the context of Victoria's diverse communities.

9 Powers of the Commission

- (1) Subject to subsection (2), 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.
- (2) The Chairperson may enter into contracts or agreements on behalf of the Commission for, or in connection with, carrying out the objectives or performing the functions of the Commission.

10 Commission represents the Crown

In performing its functions and exercising its powers, the Commission represents the Crown.

11 Commission subject to directions of the Minister

- (1) The Minister may give written directions to the Commission in relation to the performance of its functions, other than the function set out in section 8(b).

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- (2) The Commission must comply with any directions given to it under subsection (1).

12 Members of the Commission

- (1) The Commission consists of—
- (a) a Chairperson; and
 - (b) a Deputy Chairperson; and
 - (c) a member who is a youth representative, being a person who is aged at least 18 years but no more than 24 years at the time of his or her appointment; and
 - (d) a member who is a representative of a community organisation; and
 - (e) eight other members.
- (2) Members are to be appointed by the Governor in Council on the recommendation of the Minister.
- (3) 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.
- (4) The following persons may not be recommended for appointment as a member—
- (a) a member of the Parliament of Victoria;
 - (b) a Councillor;
 - (c) an electorate officer;
 - (d) a Ministerial officer;
 - (e) a Parliamentary adviser.

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- (5) A member of the Commission—
- (a) holds office for the term, not exceeding 4 years, that is specified in his or her instrument of appointment; and
 - (b) must be appointed on a part-time basis unless appointed as the Chairperson; and
 - (c) is eligible for re-appointment to a second or third term; and
 - (d) may be removed from office at any time by the Governor in Council on the recommendation of the Minister.
- (6) A member—
- (a) is, in respect of his or her office as a member, subject to the **Public Administration Act 2004** (other than Part 3 of that Act); and
 - (b) holds office on the terms and conditions specified in his or her instrument of appointment; and
 - (c) may resign from office by delivering a signed letter of resignation to the Minister.
- (7) The office of a member becomes vacant if he or she fails, without giving prior notice to the Chairperson, to attend 3 consecutive meetings of the Commission of which he or she has received notice.

13 Validity of decisions

An act or decision of the Commission is not invalid merely because of—

- (a) a defect or irregularity in, or in connection with, the appointment of a member of the Commission; or

- (b) a vacancy in the membership of the Commission.

14 Chairperson of the Commission

- (1) The Governor in Council, on the recommendation of the Minister, must appoint one of the members of the Commission to be the Chairperson of the Commission.
- (2) The Governor in Council must appoint the Chairperson to act on a full-time basis.
- (3) 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.

15 Staff of the Commission

- (1) There may be employed under Part 3 of the **Public Administration Act 2004** any persons that are necessary for the purposes of performing the functions of the Commission.
- (2) For the purposes of subsection (1), the Chairperson has the functions of a public service body Head in relation to persons employed for the purposes of performing the functions of the Commission.
- (3) For the purposes of this section, sections 15 and 20 of the **Public Administration Act 2004** apply as if any reference in those sections to—
 - (a) a public service body or the public service were a reference to the Commission; and
 - (b) a public service body Head were a reference to the Chairperson.
- (4) In this section—

public service body Head has the same meaning as in the **Public Administration Act 2004**.

16 Deputy Chairperson of the Commission

The Governor in Council, on the recommendation of the Minister, must appoint one of the members of the Commission to be the Deputy Chairperson of the Commission.

17 Acting Chairperson of the Commission

- (1) The Minister may appoint a member of the Commission to act as the Chairperson during a vacancy in the office of the Chairperson.
- (2) An Acting Chairperson is appointed for the period, not exceeding 3 months, specified in his or her instrument of appointment as the Acting Chairperson.
- (3) An Acting Chairperson is subject to the terms and conditions specified in his or her instrument of appointment as the Acting Chairperson.

18 When the Commission is to meet

- (1) The Chairperson must ensure that there are at least 6 meetings of the Commission each year.
- (2) The dates of meeting are to be determined by the Chairperson.
- (3) 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.

19 Procedure at meetings

- (1) The Chairperson or, in his or her absence, the Deputy Chairperson or, in the absence of both the Chairperson and Deputy Chairperson, a member of the Commission elected by the members present at the meeting, must preside at a meeting of the Commission.
- (2) The quorum for a meeting of the Commission is half of the members for the time being.

- (3) A question arising at a meeting of the Commission is determined by a majority of the votes of the members present and voting on the question.
- (4) The person presiding at a meeting has a deliberative vote and, in the event of an equal number of votes on any question, a second or casting vote.
- (5) The person presiding at a meeting must ensure that the decisions made at the meeting are recorded in writing.
- (6) The Chairperson must ensure that a copy of any such decisions are given to the Minister within 14 days after the meeting.
- (7) Subject to this Act, the Commission may regulate its own procedure.

20 Delegation

The Commission may, by instrument, delegate to a member or to 2 or more members any of its powers in relation to—

- (a) a matter initiated by the Commission under section 8(b); or
- (b) a matter referred to the Commission by the Minister under section 8(c).

21 Annual report

- (1) 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.
- (2) The report must also contain any information relating to the Commission's objectives or functions specifically requested by the Minister.

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- (3) The Minister must cause each annual report submitted to him or her under this section to be laid before each House of Parliament within 7 sitting days after receiving it.
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PART 4—REGIONAL ADVISORY COUNCILS

22 Establishment of regional advisory councils

- (1) The Commission is to establish 8 regional advisory councils for regional areas of the State.
- (2) The Minister must, by notice published in the Government Gazette, declare the establishment of a regional advisory council.
- (3) A declaration under subsection (2) must specify—
 - (a) the name of the regional advisory council; and
 - (b) by means of a description, map or other document, the regional area of the State to be covered by the regional advisory council.
- (4) The regional areas of the State covered by each regional advisory council must not overlap.
- (5) The regional areas covered by all of the regional advisory councils must cover the whole of the State.

23 Function of regional advisory councils

The function of regional advisory councils is to provide advice to the Commission on matters relating to the objectives and functions of the Commission.

24 Constitution of regional advisory councils

A regional advisory council is to consist of—

- (a) a member of the Commission referred to in section 12(1)(e), who is to preside over the regional advisory council; and
- (b) volunteers drawn from the regional area of the State covered by the regional advisory council.

**PART 5—REPORTING REQUIREMENTS OF THE
COMMISSION**

25 Reporting by the Commission

- (1) The Commission must prepare and submit to the Minister a report on—
 - (a) a matter initiated by the Commission under section 8(b); or
 - (b) a matter referred to the Commission by the Minister under section 8(c) within the time specified by the Minister.
 - (2) Department Heads must ensure that every reasonable effort is made to assist the Commission with respect to a report prepared under subsection (1), including providing any non-identifying information the Commission requires for that report.
 - (3) Department Heads must not provide any identifying information to the Commission for the purposes of this section.
 - (4) In this section—

identifying information means information—

 - (a) that identifies any person or discloses their address or location; or
 - (b) from which any person's identity, address or location could reasonably be determined.
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**PART 6—REPORTING REQUIREMENTS OF GOVERNMENT
DEPARTMENTS AND MINISTERS**

**26 Reporting requirements of Government
Departments**

As soon as practicable after the end of each financial year, each Department Head must prepare and submit to the Minister a report on—

- (a) the use of interpreting and translating services by the Department during the financial year; and
- (b) communications in languages other than English and communications in the multicultural media made by the Department during the financial year; and
- (c) any major improvements made, or initiatives developed, by the Department during the financial year that promote multiculturalism in Victoria and meet the identified needs of Victoria's diverse communities, including the identified needs of youth, older persons and women within these communities; and
- (d) the extent to which people from diverse backgrounds were represented during the financial year on boards and committees established by the Department or for which the Department is administratively responsible; and
- (e) the Department's progress under its cultural diversity plan (by whatever name called) to address provision for culturally sensitive service delivery to Victoria's communities; and
- (f) any initiatives developed by the Department that meet the identified needs of diverse communities in regional and rural areas of Victoria; and

- (g) any measures taken by the Department to promote human rights in accordance with the **Charter of Human Rights and Responsibilities Act 2006** for diverse communities.

27 Minister may require additional information

The Minister may in writing at any time direct a Department Head—

- (a) to include in a report under section 26; or
(b) otherwise to provide the Minister with—

any additional information that the Minister considers appropriate and is relevant to his or her reporting requirements under section 28.

28 Reporting requirements of Minister

- (1) The Minister must cause to be prepared in respect of each financial year a report consolidating information submitted to him or her by Department Heads in respect of that year under section 26.
- (2) The Minister must cause the report prepared under subsection (1) in respect of a financial year to be laid before each House of Parliament before the end of the following financial year.

PART 7—MISCELLANEOUS

29 Regulations

The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

30 Repeal of former Act

The **Multicultural Victoria Act 2004** is repealed.

See:
Act No.
100/2004
and
amending
Act Nos
108/2004,
80/2006 and
80/2008.
LawToday:
www.
legislation.
vic.gov.au

31 Transitional provisions

(1) In this section—

former Act means the **Multicultural Victoria Act 2004**;

former Commission means the Victorian Multicultural Commission established by section 6 of the **Multicultural Victoria Act 2004**;

new Commission means the Victorian Multicultural Commission established by section 6 of this Act.

(2) On the commencement of this Act—

(a) the former Commission is abolished and its members go out of office as members;

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- (b) all rights, property and assets that immediately before that commencement were vested in the former Commission are vested in the new Commission;
 - (c) all debts, liabilities and obligations of the former Commission existing immediately before that commencement become debts, liabilities and obligations of the new Commission;
 - (d) the new Commission is substituted as a party to any proceeding pending in any court or tribunal to which the former Commission was a party immediately before that commencement;
 - (e) the new Commission is substituted as a party to any arrangement or contract entered into by or on behalf of the former Commission as a party and in force immediately before that commencement;
 - (f) any reference to the former Commission in any Act (other than this Act) or in any rule, regulation, order, agreement, instrument, deed or other document whatever must, so far as it relates to any period on or after that commencement and if not inconsistent with the context or subject matter, be taken to be a reference to the new Commission.
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ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 24 March 2011

Legislative Council: 3 May 2011

The long title for the Bill for this Act was "A Bill for an Act to repeal and re-enact with amendments the **Multicultural Victoria Act 2004** and for other purposes."

The **Multicultural Victoria Act 2011** was assented to on 10 May 2011 and came into operation on 1 September 2011: Special Gazette (No. 271) 23 August 2011 page 1.

Endnotes

2. Table of Amendments

There are no amendments made to the **Multicultural Victoria Act 2011** by Acts and subordinate instruments.

3. Explanatory Details

No entries at date of publication.