

Multicultural Victoria Act 2004

Act No. 100/2004

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Victoria

No. 100 of 2004

Multicultural Victoria Act 2004[†]

[Assented to 14 December 2004]

Preamble

- (1) The Parliament of Victoria recognises and values the cultural, religious, racial and linguistic diversity of the people of Victoria.
- (2) The Parliament of Victoria wishes to promote this State 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

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- (b) the freedom and opportunity to participate and contribute to the broader life of society; and
- (c) equal rights and responsibilities under the laws of Victoria.

The Parliament of Victoria therefore enacts as follows:

PART 1—PRELIMINARY**1. Purpose**

The purpose of this Act is—

- (a) to establish principles of multiculturalism; and
- (b) to provide for the re-establishment of the Victorian Multicultural Commission; and
- (c) to establish reporting requirements for government departments in relation to multiculturalism; and
- (d) to repeal the **Victorian Multicultural Commission Act 1993**.

2. Commencement

This Act comes into operation on 1 January 2005.

3. Definitions

In this Act—

"Chairperson" means Chairperson of the Commission appointed under section 13;

"Commission" means the Victorian Multicultural Commission established by section 6;

"Department" has the same meaning as in the **Public Sector Management and Employment Act 1998**;

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"Department Head" has the same meaning as in the **Public Sector Management and Employment Act 1998**;

"Deputy Chairperson" means Deputy Chairperson of the Commission appointed under section 14.

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Part 2—Principles of Multiculturalism

PART 2—PRINCIPLES OF MULTICULTURALISM

4. Principles of multiculturalism

- (1) 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 the people, interests and future of Victoria and Australia.
 - (2) Parliament further recognises that all Victorians come from diverse cultural, religious, racial and linguistic backgrounds and values the richness that such diversity brings to the Victorian community.
 - (3) Parliament supports the obligations of citizenship to which sub-section (1) refers and promotes the diversity to which sub-section (2) refers by recognising the following principles of multiculturalism—
 - (a) all individuals in Victoria are entitled to mutual respect and understanding regardless of their cultural, religious, racial and linguistic backgrounds;
 - (b) all individuals and institutions in Victoria should promote and preserve diversity and cultural heritage 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, work, invest and raise a family;
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- (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 this State;
 - (e) all Victorians have a responsibility to abide by the State's laws and respect the democratic processes under which those laws are made.

5. Legal consequences of principles of multiculturalism

Parliament does not intend by section 4—

- (a) to create in any person any legal right or give rise to any civil cause of action; or
 - (b) to affect in any way the interpretation of any law in force in Victoria.
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PART 3—VICTORIAN MULTICULTURAL COMMISSION

6. Victorian Multicultural Commission

The Victorian Multicultural Commission is established.

7. Objectives

The objectives of the Commission are—

- (a) to promote full participation by Victoria's culturally and linguistically diverse communities in the social, cultural, economic and political life of Victoria; and
- (b) to promote access by Victoria's culturally and linguistically diverse communities to services made available by governments and other bodies; and
- (c) to encourage all of Victoria's culturally and linguistically diverse communities to retain and express their social identity and cultural inheritance; and
- (d) to promote co-operation between bodies concerned with multicultural affairs; and
- (e) to promote unity among Victoria's culturally and linguistically diverse communities; and
- (f) to promote a better understanding within Victoria of Victoria's culturally and linguistically diverse communities.

8. Functions of the Commission

The functions of the Commission are—

- (a) to ensure that the objectives of the Commission are met to the maximum extent that is practicable; and

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- (b) to investigate, report and make recommendations to the Minister on any aspect of multicultural affairs referred to it by the Minister; and
- (c) to advise the Minister on factors inhibiting the development of harmonious community relations and on barriers to the participation of Victoria's culturally and linguistically diverse communities in the social, cultural, economic and political life of Victoria; and
- (d) to consult with relevant bodies and people to determine the needs of Victoria's culturally and linguistically diverse communities, including needs in relation to matters covered by any report prepared by the Minister under section 21; and
- (e) to maintain and further develop harmonious community relations between all relevant groups in the context of Victoria's culturally and linguistically diverse society.

9. Powers of the Commission

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.

10. Commission to be subject to the directions of the Minister

The Commission must comply with any directions given to it in writing by the Minister.

11. Members of the Commission

- (1) The Commission consists of a Chairperson, Deputy Chairperson and not less than 5, and not more than 10, other members.
- (2) Members are to be appointed by the Governor in Council on the recommendation of the Minister.

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- (3) In recommending a person for appointment as a member, the Minister must have regard to the desirability of having people of different social, occupational and ethnic backgrounds on the Commission.
 - (4) 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.
 - (5) A member—
 - (a) is not, in respect of his or her office as a member, subject to the **Public Sector Management and Employment Act 1998**; 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.
 - (6) 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.
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12. 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.

13. 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.

14. Deputy 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 Deputy Chairperson of the Commission.
- (2) The Deputy Chairperson, if present, must preside at meetings of the Commission at which the Chairperson is not present.

15. 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 after consulting the Minister.

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- (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.

16. 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 equality 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.

17. Delegation

The Commission may, by instrument, delegate to a member or to 2 or more members any of its powers, other than this power of delegation.

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18. 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 specifically requested by the Minister.
 - (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—REPORTING REQUIREMENTS OF GOVERNMENT DEPARTMENTS AND MINISTER

19. 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 language services by the Department during the financial year; and
- (b) communications in languages other than English 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 culturally and linguistically diverse communities; and
- (d) the extent to which people from different cultural and linguistic backgrounds were represented during the financial year on boards and committees established by the Department or for which the Department is administratively responsible.

20. 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 19; 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 21.

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Part 4—Reporting Requirements of Government Departments and Minister

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21. 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 19.
 - (2) The Minister must cause the report prepared under sub-section (1) in respect of a financial year to be laid before each House of Parliament before the end of the next following financial year.
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Part 5—Miscellaneous

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PART 5—MISCELLANEOUS

22. 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.

23. Repeal of former Act

The **Victorian Multicultural Commission Act 1993** is repealed.

24. Transitional provisions

(1) In this section—

"former Commission" means the Victorian Multicultural Commission established by section 3 of the **Victorian Multicultural Commission Act 1993**;

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

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- (2) On the commencement of this Act—
- (a) the former Commission is abolished and its members go out of office as members;
 - (b) all rights, property and assets that, immediately before that commencement, were vested in the former Commission are, by force of this sub-section, vested in the new Commission;
 - (c) all debts, liabilities and obligations of the former Commission existing immediately before that commencement become, by force of this sub-section, debts, liabilities and obligations of the new Commission;
 - (d) the new Commission is, by force of this sub-section, 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, by force of this sub-section, 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 construed as a reference to the new Commission.
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- (3) A person who immediately before the commencement of this Act held office as a member of the former Commission holds office, subject to this Act, on and after that commencement as a member of the new Commission for the balance of his or her term of appointment and on the same terms and conditions as applied with respect to that appointment.
 - (4) A person who immediately before the commencement of this Act held office as the Chairperson of the former Commission holds office, subject to this Act, on and after that commencement as the Chairperson of the new Commission for the balance of his or her term of appointment and on the same terms and conditions as applied with respect to that appointment.
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Endnotes

ENDNOTES

- † *Minister's second reading speech—*
Legislative Assembly: 3 November 2004
Legislative Council: 7 December 2004

The long title for the Bill for this Act was "to establish principles of multiculturalism, to provide for the re-establishment of the Victorian Multicultural Commission, to establish reporting requirements for government departments in relation to multiculturalism, to repeal the **Victorian Multicultural Commission Act 1993** and for other purposes."

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