

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 22 February 1985

(Minister for Immigration and Ethnic Affairs)

A BILL

FOR

An Act to amend the *Australian Institute of Multicultural Affairs Act 1979*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

5 **1.** (1) This Act may be cited as the *Australian Institute of Multicultural Affairs Amendment Act 1985*.

 (2) The *Australian Institute of Multicultural Affairs Act 1979*¹ is in this Act referred to as the Principal Act.

Commencement

10 **2.** This Act shall come into operation on the day on which it receives the Royal Assent.

Objects

3. Section 5 of the Principal Act is amended—

(a) by omitting from sub-paragraph (a) (i) “that have arisen as a result of the migration of people to Australia”; and

(b) by omitting paragraph (d) and substituting the following paragraph:

“(d) to promote a just and equitable society that—

- (i) accepts people irrespective of their particular ethnic or cultural background (including linguistic background) or immigrant origin; and
- (ii) affords the members of the different cultural groups and ethnic communities in Australia the effective opportunity to participate in Australian society and to achieve their own potential.”.

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Functions of Institute

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4. Section 6 of the Principal Act is amended by omitting sub-sections (1) and (2) and substituting the following sub-section:

“(1) The functions of the Institute are—

- (a) to provide advice to the Commonwealth Government on matters relating to the achievement of the objects referred to in section 5;
- (b) to further the achievement of those objects by—
 - (i) promoting, conducting, commissioning and encouraging community educational activities;
 - (ii) conducting, commissioning and encouraging research;
 - (iii) collecting, disseminating, and facilitating and promoting the collection and dissemination of, information; and
 - (iv) giving reports to the Minister and publishing those reports;
- (c) in matters relating to the achievement of those objects, to liaise, consult and co-operate with—
 - (i) Departments of State of the Commonwealth and authorities and other bodies established by the Commonwealth;
 - (ii) Departments of State of a State, departments of the Public Service of the Northern Territory and authorities, agencies and other bodies established by a State or Territory, including local government bodies;
 - (iii) community groups, voluntary agencies, organizations of employers, trade unions and other organizations; and
 - (iv) persons involved in the publication of newspapers and journals, persons involved in the provision of broadcasting or television programs and other persons involved in a medium of communication;
- (d) to promote the co-ordination of such activities and services of the Commonwealth Government, State Governments, Territory Governments, local government bodies and community groups and organizations as further the achievement of those objects;
- (e) to promote the use by ethnic community organizations of their right to make representations on particular issues and, where needed, provide guidance in relation to the process of making such representations;

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- (f) to encourage other bodies to conserve materials relating to the diverse cultures of Australians; and
- (g) to engage in any other activities that the Council considers conducive to the achievement of those objects.”.

5 **Membership of Council**

5. (1) Section 20 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-sections:

“(1) The Council shall consist of—

- (a) a Chairperson;
- (b) the Director of the Institute;
- (c) subject to sub-section (1B), the Secretary to the Department; and
- (d) not fewer than 5 nor more than 9 other members.

“(1A) The Secretary to the Department may, by writing signed by him or her, nominate an officer of the Department who is specified in the instrument to be a member of the Council in lieu of the Secretary.

“(1B) If an instrument under sub-section (1A) is in force—

- (a) the Secretary to the Department shall not be a member of the Council; and
- (b) the officer of the Department who is specified in the instrument shall be a member of the Council.”;

(b) by omitting sub-section (3) and substituting the following sub-section:

“(3) The Director of the Institute, the Secretary to the Department or a person who is a member of the Council by virtue of sub-section (1B) shall not be appointed as Chairperson.”;

(c) by inserting after sub-section (3) the following sub-sections:

“(3A) Where it is proposed to appoint 2 or more members referred to in paragraph (1) (d) at or about the same time, the Minister shall publish in the *Gazette* and in such newspapers or journals as the Minister considers appropriate a notice that it is proposed to appoint members of the Council.

“ (3B) A notice under sub-section (3A) shall—

- (a) invite persons or organizations who wish to do so to nominate, in the manner specified in the notice, persons for consideration for appointment as members of the Council; and
- (b) invite persons who wish to do so to inform the Minister, in the manner specified in the notice, that they are interested in becoming members of the Council.”; and

(d) by adding at the end the following sub-section:

“ (7) The Chairperson may be referred to as the Chairman or the Chairwoman, as the case requires.”.

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(2) The person who was, immediately before the commencement of this Act, the Chairman of the Council of the Institute becomes, on the commencement of this Act, the Chairperson of the Council of the Institute as if the person had been appointed as the Chairperson under the Principal Act as amended by this Act and holds office, subject to the Principal Act as so amended, for the remainder of the period of his or her appointment under the Principal Act. 5

(3) A person who held office as a member of the Council of the Institute immediately before the commencement of this Act, being a member referred to in paragraph 20 (1) (d) of the Principal Act, continues to hold office as a member as if the person had been appointed as a member under the Principal Act as amended by this Act, and holds office, subject to the Principal Act as so amended, for the remainder of the period of the appointment of the person as a member under the Principal Act. 10

6. After section 46 of the Principal Act the following section is inserted in Part VI: 15

Application to Institute of Division 3 of Part XI of the Audit Act

“46A. It is hereby declared that the Institute is a public authority to which Division 3 of Part XI of the *Audit Act 1901* applies.”.

7. Section 49 of the Principal Act is repealed and the following section is substituted: 20

Annual report of Institute

“49. A report prepared by the Institute under section 63M of the *Audit Act 1901* shall set out—

- (a) all requests made by the Minister under section 17; 25
 - (b) all directions given by the Minister under sub-section 18 (1); and
 - (c) all communications made by the Minister under sub-section 18 (3),
- during the period to which the report relates.”.

Minor and consequential amendments

8. The Principal Act is amended as set out in the Schedule. 30

SCHEDULE

Section 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Section 3 (definition of “approved bank”)—

Omit the definition.

Section 3 (definition of “Chairman”)—

Omit the definition, substitute the following definition:

“ ‘Chairperson’ means the Chairperson of the Council;”.

Paragraph 12 (a)—

Omit “his appointment”, substitute “appointment of the member”.

Section 13—

(a) Omit “his membership of the Institute”, substitute “the office of member”.

(b) Omit “him”, substitute “the member”.

Sub-section 14 (2)—

Omit “his” (wherever occurring), substitute “the member’s”.

Sub-section 20 (6)—

Omit “his”, substitute “the member’s”.

Sub-section 21 (1)—

(a) Omit “Chairman” (wherever occurring), substitute “Chairperson”.

(b) Omit “his”, substitute “the person’s”.

Sub-section 21 (2)—

Omit “his”, substitute “the member’s”.

Sub-section 21 (4)—

Omit “he”, substitute “the person”.

Section 22—

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

Paragraph 22 (1) (b)—

Omit “his office”, substitute “the office”.

Paragraph 22 (2) (b)—

Omit “his office”, substitute “the office of the member”.

Sub-section 22 (3)—

Omit “his”, substitute “the person’s”.

Sub-section 22 (6)—

(a) Omit “he”, substitute “the person”.

(b) Omit “his”, substitute “the”.

(c) Omit “him”, substitute “the person”.

SCHEDULE—continued

Sub-section 22 (7)—

Omit “he”, substitute “the person”.

Sub-section 22 (8)—

- (a) Omit “his appointment” (first occurring), substitute “the appointment of the person”.
- (b) Omit “his” (second occurring), substitute “the”.
- (c) Omit “him”, substitute “the person”.

Sub-section 23 (1)—

Omit “he”, substitute “the member”.

Sub-section 23 (3)—

Omit “1973”, substitute “1973”.

Section 25—

- (a) Omit “his office”, substitute “the office of member”.
- (b) Omit “him”, substitute “the member”.

Paragraph 26 (2) (a)—

Omit “his” (wherever occurring), substitute “the member’s”.

Sub-paragraph 26 (2) (b) (ii)—

Omit “his”, substitute “the member’s”.

Paragraph 26 (2) (d)—

Omit “him”, substitute “the member”.

Sub-section 26 (3)—

- (a) Omit “he”, substitute “the member”.
- (b) Omit “his” (wherever occurring), substitute “the member’s”.

Section 27—

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

Sub-section 27 (5)—

Omit “he”, substitute “he or she”.

Paragraph 27 (12) (c)—

Omit “of Immigration and Ethnic Affairs”.

Sub-section 27 (12)—

Omit “he”, substitute “the person”.

Sub-section 29 (1)—

Omit “his appointment”, substitute “appointment of the Director”.

Sub-section 29 (2)—

Omit “he”, substitute “the person”.

SCHEDULE—continued

Paragraph 30 (1) (b)—

Omit “his office”, substitute “the office of Director”.

Sub-section 30 (2)—

Omit “his”, substitute “the person’s”.

Sub-section 30 (5)—

- (a) Omit “he”, substitute “the person”.
- (b) Omit “his”, substitute “the”.
- (c) Omit “him”, substitute “the person”.

Sub-section 30 (6)—

Omit “he”, substitute “the person”.

Sub-section 30 (7)—

- (a) Omit “his appointment” (first occurring), substitute “the appointment of the person”.
- (b) Omit “his” (second occurring), substitute “the”.
- (c) Omit “him”, substitute “the person”.

Sub-section 31 (1)—

Omit “he”, substitute “the Director”.

Sub-section 31 (3)—

Omit “1973”, substitute “1973”.

Section 32—

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

Section 33—

- (a) Omit “his office”, substitute “the office of Director”.
- (b) Omit “him”, substitute “the Director”.

Paragraph 34 (2) (a)—

Omit “his” (wherever occurring), substitute “the Director’s”.

Paragraph 34 (2) (c)—

Omit “his office”, substitute “the office of Director”.

Paragraph 34 (2) (d)—

Omit “he”, substitute “he or she”.

Sub-section 35 (1)—

Omit “he”, substitute “the Director”.

Section 40—

Repeal the section.

Section 43—

Repeal the section.

SCHEDULE—continued

Section 45—

Repeal the section.

Section 47—

Repeal the section.

Sub-section 48 (1)—

- (a) Omit “him”, substitute “the Minister”.
- (b) Omit “his”, substitute “the Minister’s”.

NOTE

1. No. 154, 1979, as amended. For previous amendments, see No. 63, 1984.