

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES
AUSTRALIAN INSTITUTE OF MULTICULTURAL AFFAIRS
AMENDMENT BILL 1985
EXPLANATORY MEMORANDUM

(Circulated by the authority of the Minister for
Immigration and Ethnic Affairs, the
Honourable Chris Hurford M.P.)

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AUSTRALIAN INSTITUTE OF MULTICULTURAL AFFAIRS AMENDMENT BILL 1985

PURPOSE OF THE BILL

The Australian Institute of Multicultural Affairs Amendment Bill (the Bill) is intended to give the Australian Institute of Multicultural Affairs (AIMA) a more effective role which, in the recognition of the multicultural nature of Australian society, will provide positive encouragement of improved community relations by expanding the objects and functions of AIMA.

The Bill will also provide for the increase in membership of the AIMA Council from 9 to 12 persons to broaden community participation on the Council and facilitate the on-going inclusion of an aboriginal.

The proposed legislation will also eliminate sex-specific terms and make technical amendments.

FINANCIAL IMPACT

The Budget appropriation for AIMA for 1984/85 is \$2.530m. The Institute currently has a staff of 38 full-time and 8 part-time. Given the need for budgetary restraint, the Institute will be directed to re-allocate resources to the maximum extent possible and to reflect priorities in implementing its proposed revised objects and functions.

Nevertheless the proposed expanded role for the Institute in community education will require an additional \$0.070 million in 1984/85. Future funding provision for the Institute will be determined in the light of overall needs and priorities.

CLAUSE 1: SHORT TITLE, ETC

Clause 1 fixes the citation of the Amendment Act and identifies the Australian Institute of Multicultural Affairs Act, 1979 as the Principal Act (the Act).

CLAUSE 2: COMMENCEMENT

Clause 2 provides for the Bill to come into operation on the day on which it receives the Royal Assent.

CLAUSE 3: OBJECTS

Paragraph 3(a) amends section 5 of the Act by omitting from sub-paragraph 5(a)(i) the words "that have arisen as a result of the migration of people to Australia".

Paragraph 3(b) amends section 5 of the Act by omitting paragraph 5(d) and substituting new paragraph 5(d).

New paragraph 5(d) provides as an object of the Institute the promotion of a just and equitable society in Australia that -

- (i) accepts people irrespective of their ethnic or cultural background or immigrant origin; and
- (ii) affords 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.

CLAUSE 4: FUNCTIONS OF THE INSTITUTE

Clause 4 amends section 6 of the Act by omitting therefrom sub-sections (1) and (2) and substituting new sub-section 6(1).

New sub-section 6(1) provides the functions of AIMA to be -

- (a) to provide advice to the Commonwealth Government related to the achievement of the objects of AIMA ;
- (b) to assist the achievement of the objects of AIMA 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;
 - (iii) community groups, voluntary agencies, organizations of employers, trade unions and other organisations; and
 - (iv) persons involved in the media including newspapers, journals, radio, television and other communications media;

- (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 organisations to further achieve the objects of the Institute;
- (e) to promote the use by ethnic community organizations of their right to make representations on particular issues and, if necessary, to provide guidance in the making of such representations;
- (f) to encourage other bodies to conserve materials which relate to the diverse cultures of Australians;
- (g) to engage in such other activities that the Council of AIMA (the Council) on behalf of AIMA considers conducive to the achievement of the objects of the Institute.

CLAUSE 5: MEMBERSHIP OF COUNCIL

Paragraph 5(1)(a) amends section 20 of the Act by omitting sub-section 20(1) and substituting new sub-sections (1), (1A) and (1B).

New sub-section 20(1) provides for the Council to consist of -

- (a) a Chairperson
- (b) the Director of the Institute
- (c) subject to sub-section 20(1B), the Secretary to the Department of Immigration and Ethnic Affairs (the Secretary)
- (d) not fewer than 5 nor more than 9 other members

New sub-section 20(1A) provides for the Secretary to nominate, by instrument in writing, an officer of the Department of Immigration and Ethnic Affairs to be a member of the Council in lieu of the Secretary.

New sub-section 20(1B) provides that when an instrument under sub-section 20(1A) is in force, the Secretary shall not be a member of the Council and that the officer specified in the instrument shall be a member.

Paragraph 5(1)(b) provides for sub-section 20(3) to be omitted and substituted with a new sub-section (3). New sub-section 20(3) provides that the Chairperson of the Council shall not be either the Director of the Institute

or the Secretary or the person who has been nominated by the Secretary by instrument by virtue of sub-section 20(1B).

Paragraph 5(1)(c) provides for the insertion after sub-section 20(3) of new sub-sections (3A) and (3B).

New sub-section 20 (3A) provides that where 2 or more members of the Council as referred to in paragraph 20(1)(d) are to be appointed at the same time, the Minister for Immigration and Ethnic Affairs (the Minister) shall publish in the Gazette and such newspapers or journals as the Minister considers appropriate, a notice that it is proposed to make such appointment.

Paragraph 5(1)(d) provides for the insertion of new sub-section 20(7). New sub-section 20(7) provides that the Chairperson may be referred to as Chairman or Chairwoman as the case requires.

Sub-clause 5(2) provides for the person who was, immediately before the commencement of the amending Act, the Chairman of the Council to become the Chairperson of the Council on the date of commencement of the amending Act.

Sub-clause 5(3) provides for a person holding office as a member of the Council, as referred to in paragraph 20(1)(d) of the Act, immediately before the commencement of the amending Act to continue to hold office as a member, as if the person had been appointed as a member under and subject to the Act as amended, for the remainder of the period of appointment as a member under the Act.

CLAUSE 6: APPLICATION TO INSTITUTE OF DIVISION 3 OF PART XI OF THE AUDIT ACT

Clause 6 provides for the insertion in Part VI of the Act of a new section 46A.

New section 46A declares AIMA to be a public authority to which Division 3 of Part XI of the Audit Act 1901 applies.

Division 3 of Part XI of the Audit Act 1901 provides for -

- . public authorities to open and maintain a bank account or accounts and to pay monies received into such account or accounts and makes it obligatory for the authority to keep proper books and accounts of its transactions.
- . The Auditor General is given certain powers under this Division to inspect and audit the accounts and records of the authority and to draw the attention of the appropriate Minister to irregularities, if any.

- . The authority to prepare and submit a report of its operations to the appropriate Minister as soon as practicable after 30 June of each year together with the financial statements in respect of that year. Before such reports and statements are submitted to the Minister they are required to be submitted to the Auditor General who is required to submit a report to the appropriate Minister as to whether the statements are based on proper accounts and records, whether they agree with those accounts and records and whether the authority has acted properly and in accordance with its powers under the enactment which establishes it. The Auditor General may report on such other matters as is appropriate.
- . The appropriate Minister is required to lay the report and financial statements together with a copy of the Auditor General's report before each House of the Parliament within 15 sitting days of that House after receipt by the Minister.

CLAUSE 7: ANNUAL REPORT OF INSTITUTE

Clause 7 repeals section 49 of the Act and provides for the substitution of a new section 49.

New section 49 provides that a report prepared by AIMA under the provisions of section 63M of the Audit Act 1901 shall set out -

- (a) all requests made by the Minister under section 17 of the Act. (Such requests are made by the Minister for reports relating to the functions of the Institute or such other matters as the Minister thinks fit.);
- (b) all directions given by the Minister under sub-section 18(1) of the Act. (These directions are those given by the Minister to the Council in the performance of its functions and exercise of its powers.); and
- (c) all communications as to the policies of the Commonwealth Government which the Council is to have regard in preparing reports under section 17 of the Act which are made by the Minister under sub-section 18(3) of the Act during the period to which the report relates.

CLAUSE 8: MINOR AMENDMENTS

Clause 8 provides for all minor or formal amendments to the Act to be set out in a schedule to the amending Act.

