



ANNO TRICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1983

No. 117 of 1983

**An Act to amend the South Australian Ethnic Affairs Commission Act,
1980.**

[Assented to 22 December 1983]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "South Australian Ethnic Affairs Commission Act Amendment Act, 1983". Short title.

(2) The South Australian Ethnic Affairs Commission Act, 1980, is in this Act referred to as "the principal Act".

2. Section 4 of the principal Act is amended by inserting after the definition of "ethnic group" the following definitions: Amendment of s. 4— Interpretation.

"government department" means—

(a) a department of the Public Service of the State;

or

(b) a prescribed instrumentality of the Crown:

"public authority" means—

(a) a department of the Public Service of the State;

(b) an instrumentality of the Crown;

or

(c) a council or other local authority.

3. Sections 6 and 7 of the principal Act are repealed and the following sections are substituted: Repeal of ss. 6 and 7 and substitution of new sections.

6. (1) The Commission shall consist of the following members appointed by the Governor on the nomination of the Minister: Constitution of the Commission.

(a) the Chairman (who shall be the Chief Executive Officer of the Commission);

(b) the Deputy Chairman (who shall be the Deputy Chief Executive Officer of the Commission);

(c) a person proposed for nomination as a member of the Commission by the United Trades and Labor Council;

and

(d) not more than eight other members.

(2) At least two members of the Commission shall be women and at least two shall be men.

(3) In selecting nominees for appointment to the Commission, the Minister should act with a view to ensuring that the membership of the Commission reflects an appropriate diversity of ethnic and occupational backgrounds and should have regard to—

(a) the knowledge;

(b) the sensitivity;

(c) the enthusiasm and personal commitment;

and

(d) the experience and involvement with ethnic groups,

of those who come under consideration.

(4) The Chairman of the Commission shall be appointed—

(a) for a term of office, not exceeding five years, specified in the instrument of his appointment;

and

(b) upon such conditions as may be specified in the instrument of his appointment (but those conditions must require him to devote himself, on a full-time basis, to the work of the Commission).

(5) The Deputy Chairman of the Commission shall be appointed—

(a) for a term of office, not exceeding five years, specified in the instrument of his appointment;

and

(b) upon such conditions as may be specified in the instrument of his appointment (but those conditions must require him to devote himself, on a full-time basis, to the work of the Commission).

(6) A member of the Commission (not being the Chairman or the Deputy Chairman) shall be appointed—

(a) for a term of office, not exceeding three years, specified in the instrument of his appointment;

and

(b) upon such conditions as may be specified in the instrument of his appointment.

(7) Subject to any condition of appointment to the contrary, a member of the Commission shall, upon the expiration of his term of office, be eligible for re-appointment.

(8) The Governor may appoint a suitable person to be a deputy of a member of the Commission (other than the Chairman) and such a person may act as a member of the Commission—

(a) in the case of the deputy of the Deputy Chairman—

(i) in the absence of the Deputy Chairman;

or

(ii) at any meeting of the Commission at which the Deputy Chairman presides;

or

(b) in any other case—in the absence of the member of whom he has been appointed a deputy.

(9) A member of the Commission shall not, as such, be subject to the Public Service Act, 1967.

7. (1) The Chairman of the Commission shall be entitled to receive such salary, allowances and expenses as the Governor may from time to time determine.

Salary, allowances
and expenses.

(2) The Deputy Chairman of the Commission shall be entitled to receive such salary (if any), allowances and expenses as the Governor may from time to time determine.

(3) Any other member of the Commission shall be entitled to receive such allowances and expenses as the Governor may from time to time determine.

4. Section 9 of the principal Act is amended by striking out subsections (3) and (4) and substituting the following subsections:

Amendment of
s. 9—
Meetings of the
Commission, etc.

(3) Each member present at a meeting of the Commission shall be entitled to one vote on any question arising for decision at that meeting.

(4) The person presiding at a meeting of the Commission shall, in the event of an equality of votes, have a second or casting vote.

(4a) A decision carried by a majority of the votes cast by the members present at a meeting of the Commission shall be a decision of the Commission.

5. Section 12 of the principal Act is amended by striking out paragraph (b) and substituting the following paragraph:

Amendment of
s. 12—
Objects of the
Commission.

(b) to assist and encourage the full participation of ethnic groups in the social, economic and cultural life of the community and to foster a recognition amongst members of ethnic groups of their rights to full participation in the social, economic and cultural life of the community;

6. Section 13 of the principal Act is amended by striking out paragraph (b) of subsection (1) and substituting the following paragraphs:

Amendment of
s. 13—
Functions of the
Commission.

(b) to consult with, and provide advice to, public authorities on the development and implementation of appropriate

policies in the field of ethnic affairs and to monitor the effectiveness of those policies;

(*ba*) to promote a proper relationship between public authorities and the various ethnic groups in the community and to ensure as far as practicable that services provided by public authorities are properly adapted to the needs of those various ethnic groups;

(*bb*) to keep the various ethnic groups in the community informed of the work of the Commission and to consult with them in relation to the development and implementation of policies in the field of ethnic affairs;

Amendment of
s. 15—
Advisory
committees.

7. Section 15 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) The Commission should ensure as far as practicable that the various ethnic groups in the community are fairly represented on the advisory committees appointed under this section.

Repeal of s. 22
and substitution
of new section.

8. Section 22 of the principal Act is repealed and the following section is substituted:

Obligations of
public authorities.

22. (1) Each government department shall formulate a policy governing the provision of services by that department to the various ethnic groups in the community and the members of those groups.

(2) A policy formulated under subsection (1) should be reviewed from time to time in the light of changing circumstances.

(3) A public authority shall provide the Commission with such assistance as it reasonably requires for the performance of its functions and, in particular, shall at the request of the Commission provide it with information requested by the Commission within a period stipulated in the request.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor