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**ELIZABETHAE II REGINAE**

**A.D. 1989**

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**No. 69 of 1989**

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

[Assented to 29 October 1989]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *South Australian Ethnic Affairs Commission Act Amendment Act, 1989*.

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

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Amendment of long title**

3. The long title to the principal Act is amended by inserting “Multicultural and” before “Ethnic”.

**Amendment of short title**

4. Section 1 of the principal Act is amended by inserting “Multicultural and” before “Ethnic”.

**Interpretation**

5. Section 4 of the principal Act is amended—

(a) by striking out the definition of “the Commission” and substituting the following definition:

“the Commission” means the South Australian Multicultural and Ethnic Affairs Commission established under Part II;

and

(b) by inserting after the definition of “government department” the following definition:

“multiculturalism” means policies and practices that recognize and respond to the ethnic diversity of the South Australian community and have as

their primary objects the creation of conditions under which all groups and members of the community may—

- (a) live and work together harmoniously;
  - (b) fully and effectively participate in, and employ their skills and talents for the benefit of, the economic, social and cultural life of the community;
- and
- (c) maintain and give expression to their distinctive cultural heritages.

#### Amendment of heading

6. The heading to Part II of the principal Act is amended by inserting “MULTICULTURAL AND” before “ETHNIC”.

#### Establishment of Commission

7. Section 5 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

- (1) The *South Australian Multicultural and Ethnic Affairs Commission* is established.

#### Constitution of Commission

8. Section 6 of the principal Act is amended—

- (a) by striking out subsections (1) and (2) and substituting the following subsections:

- (1) The Commission is to consist of not more than 15 members appointed by the Governor on the nomination of the Minister, of whom—

- (a) one must be appointed to chair the Commission;
    - (b) one must be a person nominated by the United Trades and Labor Council;

and

- (c) at least three must be men and at least three women.;

and

- (b) by striking out subsections (4) to (9) and substituting the following subsections:

- (4) The member appointed to chair the Commission must be appointed for a term of office not exceeding five years and on such conditions as are specified in his or her instrument of appointment.

- (5) Each other member of the Commission must be appointed for a term of office not exceeding three years and on such conditions as are specified in his or her instrument of appointment.

- (6) Subject to any condition of appointment to the contrary, a member is, on the expiration of his or her term of office, eligible for reappointment to the Commission.

- (7) The Governor may—

- (a) appoint a suitable person (who may be, but is not required to be, a member of the Commission) to be the deputy of the member appointed to chair the Commission;

and

(b) appoint a suitable person to be the deputy of any other member of the Commission.

(8) The deputy of a member of the Commission may act in the place of the member and exercise the powers and functions of the member—

(a) during any absence of the member;

(b) during any period for which the member is acting in the place of another member;

or

(c) if the member ceases to be a member of the Commission—until a person is appointed to the vacant office.

#### Substitution of s. 7

9. Section 7 of the principal Act is repealed and the following section is substituted:

##### Remuneration of members

7. A member of the Commission is entitled to such salary (if any) and such allowances and expenses as the Governor may from time to time determine.

#### Meetings of Commission, etc.

10. Section 9 of the principal Act is amended—

(a) by striking out subsections (1) and (2) and substituting the following subsections:

(1) The member appointed to chair the Commission must chair all meetings of the Commission at which he or she is present.

(2) If the member appointed to chair the Commission is absent from a meeting of the Commission, the meeting must be chaired—

(a) in a case where the deputy of that member is a member of the Commission and present at the meeting—by the deputy of that member;

or

(b) in any other case—by a member chosen by the members present at the meeting;

and

(b) by striking out subsection (5) and substituting the following subsection:

(5) A number of members equal to one more than half (disregarding any fraction) of the number of members for the time being appointed to the Commission constitutes a quorum at a meeting of the Commission, and no business may be transacted at a meeting unless a quorum is present.

#### Substitution of heading

11. The heading to Division II of Part II is repealed and the following heading is substituted:

DIVISION II—FUNCTIONS AND POWERS OF THE COMMISSION.

#### Substitution of ss. 12 and 13

12. Sections 12 and 13 of the principal Act are repealed and the following section is substituted:

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**Functions of Commission**

12. (1) The primary functions of the Commission are—

(a) to increase awareness and understanding of the ethnic diversity of the South Australian community and the implications of that diversity;

and

(b) to advise the Government and public authorities on, and assist them in, all matters relating to the advancement of multiculturalism and ethnic affairs.

(2) The Commission's functions include the following:

(a) to assist in the development of strategies designed to ensure that multicultural and language policies are incorporated as an integral part of wider social and economic development policies;

(b) to work with public authorities to ensure that there is a co-ordinated approach to the advancement of multiculturalism and ethnic affairs;

(c) to keep under review and advise the Government and public authorities on the extent to which services and facilities are available to and meet the needs of minority ethnic groups;

(d) to assist public authorities to devise effective methods for the evaluation and reporting of policies and programmes for the advancement of multiculturalism and ethnic affairs;

(e) to develop in conjunction with other public authorities immigration and settlement strategies designed to support and complement the State's economic development plans and to realize the potential and meet the needs of individual immigrants;

(f) to advise, assist and promote co-operation between ethnic groups and organizations concerned in ethnic affairs;

(g) to inform and consult with ethnic groups and other interested groups and organizations about the work of the Commission and issues relating to multiculturalism and ethnic affairs;

(h) to provide or assist in the provision of interpreting, translation, information and other services and facilities for the benefit of ethnic groups and others;

and

(i) to publicize generally the work of the Commission.

(3) The Commission should, in carrying out its functions, act wherever possible with a view to encouraging participation by local government bodies and voluntary organizations.

**Delegation**

13. Section 14 of the principal Act is amended by striking out paragraph (c) of subsection (1) and substituting the following paragraph:

(c) a Public Service employee or a person employed by the Commission to assist the Commission.

**Substitution of s. 16**

14. Section 16 of the principal Act is repealed and the following section is substituted:

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**Staff to assist Commission**

16. (1) The Commission may, for the purpose of carrying out its functions—

(a) make use of the services of Public Service employees assigned to assist the Commission;

and

(b) with the approval of the Minister, employ persons on terms and conditions from time to time approved by the Minister on the recommendation of the Commissioner for Public Employment.

(2) An appointment may not be made to the position of chief executive officer of an administrative unit of the Public Service established to assist the Commission unless the Minister has first consulted with the Commission in relation to the proposed appointment.

**Transitional provisions**

15. (1) The South Australian Multicultural and Ethnic Affairs Commission is the same body corporate as the Commission established under the principal Act and in existence immediately before the commencement of this Act.

(2) The members of the Commission in office immediately before the commencement of this Act continue in office under the principal Act as amended by this Act.

## SCHEDULE

The principal Act is further amended as follows:

Provision Amended	How Amended
Section 2	Strike out this section.
Section 3	Strike out this section.
Section 4—	
Definition of "government department"	Strike out "a department" and substitute "an administrative unit".
Definition of "public authority"	Strike out "a department" and substitute "an administrative unit".
Section 5 (2) (a)	Strike out "shall be" and substitute "is".
Section 5 (2) (b)	Strike out "shall be" and substitute "is".
Section 5 (2) (c)	Strike out "shall, for the purpose of carrying out its functions, be" and substitute "is, for the purpose of carrying out its functions,".
Section 5 (2) (d)	Strike out "shall hold" and substitute "holds".
Section 5 (3)	Strike out "shall" and substitute "is to".
Section 8 (1) (a)	After "his" insert "or her".
Section 8 (2)	Strike out "shall be deemed to be guilty of neglect of duty when he" and substitute "is guilty of neglect of duty if he or she".
Section 8 (3) (a)	Strike out "he" and substitute "the member".
Section 8 (3) (b)	Strike out "his" and substitute "the member's".
Section 8 (3) (c)	Strike out "he" and substitute "the member".
Section 8 (3) (d)	Strike out "he" and substitute "the member". Strike out "of this section".
Section 8 (4)	Strike out "Upon" and substitute "On". Strike out "shall" and substitute "must".
Section 8 (5)	After "he" insert "or she". After "his" insert "or her". Strike out "shall" and substitute "must".
Section 9 (3)	Strike out "shall be" and substitute "is".
Section 9 (4)	Strike out "shall, in the event of an equality of votes, have" and substitute "has, in the event of an equality of votes,".
Section 9 (4a)	Strike out "shall be" and substitute "is".
Section 9 (6)	Strike out "shall" twice occurring and substitute, in each case, "must".
Section 10 (1)	Strike out "shall not be" and substitute "is not".
Section 10 (2)	Strike out "shall attach" and substitute "attaches". Strike out "him" and substitute "the member". Strike out "his or its" twice occurring.
Section 10 (3)	Strike out "of this section". Strike out "shall attach" and substitute "attaches".
Section 11	Strike out "shall be" and substitute "is".
Section 15 (2)	Strike out "shall" and substitute "must". Strike out "upon" and substitute "on".
Section 17 (1)	Strike out "upon" and substitute "on".
Section 18	Strike out "shall" and substitute "may".
Section 19 (1)	Strike out "shall" and substitute "must".
Section 19 (3)	Strike out "shall" and substitute "must".
Section 20 (1)	Strike out this subsection and substitute: (1) The Commission must, before the commencement of each financial year, present to the Minister a budget showing estimates of its receipts and payments for that financial year.

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Section 20 (2)	Strike out "to him pursuant to subsection (1) of this section" and substitute "pursuant to subsection (1)".
Section 20 (3)	Strike out "shall" and substitute "must".
Section 21	Strike out this section and substitute: <b>Accounts</b> 21. (1) The Commission must cause proper accounts to be kept of its financial affairs. (2) The Auditor-General may at any time and must at least once in each financial year audit the accounts of the Commission.
Section 22 (1)	Strike out "shall" and substitute "must".
Section 22 (3)	Strike out "shall" twice occurring and substitute, in each case, "must".
Section 23	Strike out this section and substitute: <b>Annual report</b> 23. (1) The Commission must, on or before 30 September in each year, present a report to the Minister on the operations of the Commission during the preceding financial year. (2) A report under this section must incorporate the audited statement of accounts of the Commission for the financial year to which the report relates. (3) The Minister must, within 12 sitting days after receipt of a report under this section, cause copies of the report to be laid before both Houses of Parliament.

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

C. L. LAUCKE, Governor's Deputy