

MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION ACT 1983.

(No. 82 of 1983)

ARRANGEMENT.

Section

1. Short title.
2. Commencement.
3. Interpretation.
4. Objects.
5. Commission established.
6. Membership of the Commission.
7. Commissioner for Multicultural and Ethnic Affairs.
8. Terms and conditions of membership.
9. Vacation of office.
10. Existing rights.
11. Casual vacancies.
12. Meetings of Commission.
13. Functions of the Commission.
14. Advisers to Commission.
15. Committees.
16. Delegation.
17. Staff.
18. Annual report.
19. Immunity of members of the Commission.
20. Regulations.
21. Commission to expire.

MULTICULTURAL AND
ETHNIC AFFAIRS
COMMISSION.

No. 82 of 1983.

AN ACT to establish a Multicultural and Ethnic
Affairs Commission and for other purposes.

[Assented to 22 December 1983.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Multicultural and Ethnic Affairs Commission Act 1983*. Short title.

2. This Act shall come into operation on a day to be fixed by the proclamation. Commencement.

5. There is hereby established a commission to be known as the Multicultural and Ethnic Affairs Commission.

Commission established.

6. (1) The Commission shall consist of 11 members, being—

Membership of the Commission.

(a) the Commissioner; and

(b) 10 members appointed by the Governor on the nomination of the Minister.

(2) In nominating a person for appointment as member the Minister shall ensure, as far as is practicable, that the Commission is representative of the persons and communities of diverse origins, languages and cultures among the people of this State.

7. (1) The Governor shall appoint a person to be Commissioner for Multicultural and Ethnic Affairs.

Commissioner for Multicultural and Ethnic Affairs.

(2) The Commissioner shall be appointed for such term not exceeding 4 years as is specified in his instrument of appointment and on the expiration of his term shall be eligible for re-appointment.

(3) The Commissioner is entitled to such conditions of service as are determined by the Minister from time to time on the recommendation of the Public Service Board.

(4) Where the Commissioner was, immediately before his appointment as Commissioner, an officer of the Public Service of the State, he retains his existing and accruing rights on his appointment as Commissioner.

8. (1) A member other than the Commissioner shall be appointed for such term not exceeding 3 years as is specified in his instrument of appointment and shall be eligible for re-appointment.

Terms and conditions of membership.

(2) A member other than the Commissioner is entitled to such remuneration as is determined by the Minister from time to time on the recommendation of the Public Service Board.

Vacation of
office.

9. The office of a member becomes vacant if—
- (a) his term of office expires;
 - (b) he becomes permanently incapable of performing his duties;
 - (c) he resigns his office by written notice addressed to the Minister;
 - (d) he is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy; or
 - (e) he is removed from office by the Governor on the grounds of neglect of duty, his behaviour or incompetence.

Existing
rights.

10. Acceptance of or appointment to an office of member by any person does not of itself render the provisions of the Public Service Act 1978, or any other Act applying to persons as officers of the Public Service of the State applicable to that person or affect or prejudice the application to him of those provisions if they applied to him at the time of the acceptance of or acting in that office.

Casual
vacancies.

11. Where an office of member becomes vacant otherwise than by effluxion of time a person appointed to the vacancy shall hold office only for the balance of the term of the person whose vacancy he fills.

Meetings of
Commission.

12. (1) The Commission shall hold such meetings as are necessary for the performance of its functions.

(2) The Commissioner may at any time convene a meeting of the Commission and shall do so whenever directed by the Minister.

(3) The Commissioner shall preside at all meetings of the Commission at which he is present.

(4) If the Commissioner is absent from any meeting of the Commission the members present shall appoint one of their number to preside at the meeting.

(5) At any meeting of the Commission—

- (a) 7 members form a quorum;
- (b) all questions arising at the meeting shall be decided by a majority of the votes of the members present at the meeting;
- (c) each member, including the person presiding at the meeting, shall be entitled to one vote only on the determination of any question; and
- (d) in the event of an equality of votes, the question shall be deemed to be determined in the negative.

(6) Except to the extent that it is prescribed, the Commission may regulate its own procedure in such manner as it thinks fit, and shall cause to be kept minutes of its proceedings.

13. (1) The functions of the Commission are—

Functions
of the
Commission.

- (a) to investigate, report upon and make recommendations to the Minister on any matter relevant to this Act referred to it by the Minister;
- (b) to liaise with, consult with and advise government departments and government instrumentalities on the implementation of

policies that affect or may affect the people of this State in so far as they impinge on persons of diverse origins, languages or cultures;

- (c) to advise the Minister on the application of funds appropriated for the purpose of implementing the objects of this Act;
- (d) to make recommendations to the Minister for the purpose of facilitating the achievement of equal access of persons of diverse origins, traditions or cultures to the use of services and facilities provided for the people of this State;
- (e) to undertake research into and compile information upon the needs of persons of diverse origins, languages or cultures;
- (f) to consult with persons, organizations and groups representing communities of different origins, languages or cultures among the people of this State for the purpose of assisting in implementing the objects of this Act;
- (g) to advise the Minister on any matter relating to immigration policies;
- (h) to encourage and undertake the dissemination of information with respect to the implementation of the objects of this Act.

(2) The Commission shall, in carrying out its functions, encourage wherever possible the participation by voluntary organizations and local authorities and promote practical initiatives by associations formed by persons of diverse origins, languages or cultures.

(3) The Minister may from time to time give directions to the Commission with respect to its functions, powers and duties, either generally or with respect to a particular matter, and the Commission shall give effect to those directions.

14. The Commission may, subject to the approval of the Minister and on such terms and conditions as the Minister may determine, invite any body or person to act in an advisory capacity to the Commission in relation to any or all aspects of the functions of the Commission but that invitation shall not be construed as making any person so invited a member of the Commission.

Advisers to
Commission.

15. (1) The Commission may, subject to the approval of the Minister, establish such committees of members or of members and other persons as it thinks fit for the purposes of assisting it to carry out its functions.

Committees.

(2) A person other than a member who is appointed to a committee is entitled to such remuneration as is determined by the Minister on the recommendation of the Public Service Board.

16. (1) The Commission may by instrument in writing delegate any of its powers or functions, other than this power of delegation to—

Delegation.

- (a) a member;
- (b) a committee established pursuant to section 15,

either generally or as provided by the instrument of delegation.

(2) For the purposes of this Act, the exercise of a power or the performance of a duty by a delegate under this section shall be deemed to be the exercise of the power or the performance of the duty by the Commission.

(3) A delegation under this section may—

- (a) be made subject to such conditions, qualifications and exceptions as are set out in the instrument of delegation;
- (b) be revoked or varied by instrument in writing signed by the Commissioner.

(4) The Commission may exercise a power or function notwithstanding that it has delegated its exercise or performance under this section.

Staff. 17. There may be appointed from time to time under and subject to the Public Service Act 1978 such officers as may be required for the purposes of assisting the Commission in the effective administration of this Act.

Annual report. 18. (1) The Commission shall as soon as is practicable after 1 July in each year prepare and furnish to the Minister a report on its operations and proceedings for the year ending on 30 June last preceding.

(2) The Minister shall cause the report to be laid before each House of Parliament within 12 sitting days of its receipt by him.

Immunity of members of the Commission. 19. No liability shall attach to a member of the Commission or to a member of a committee established under section 15 for any act or omission by him, or by the Commission, in good faith and in the exercise of his or its function, or in the discharge, or purported discharge, of his or its duties under this Act.

Regulations. 20. The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Commission to expire. 21. (1) Upon the expiration of 8 years calculated from the date on which this Act comes into force, the Commission shall cease to exist.

(2) Upon the expiration of the Commission pursuant to subsection (1), the Governor, should the occasion so require, may make regulations providing in all respects for the orderly and proper winding up of the Commission's affairs.