EXPOSURE DRAFT

**Minister for Multicultural Affairs**

(Prepared by Parliamentary Counsel’s Office)

Multicultural Recognition Bill 2022

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EXPOSURE DRAFT

**Minister for Multicultural Affairs**

(Prepared by Parliamentary Counsel’s Office)

Multicultural Recognition Bill 2022

A Bill for

An Act to establish the multicultural charter, and for other purposes

Preamble

The Legislative Assembly—

 1 recognises the Ngunnawal people as the first people of the ACT, whose lands, winds and waters we all now share; and

 2 recognises the cultures, languages and traditions of the first people of the ACT, and of the many other people who make up the modern ACT community; and

 3 recognises that all people have the right to express and celebrate their culture, language, religion and spiritual belief; and

 4 recognises that embracing, valuing and celebrating a diversity of cultures, languages and traditions enriches the social, cultural, economic, civic and political life of the ACT; and

 5 commits to making the ACT a stronger and more vibrant multicultural community where everyone belongs and feels welcome.

The Legislative Assembly for the Australian Capital Territory therefore enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Multicultural Recognition Act 2022*.

2 Commencement

 (1) This Act (other than part 4) commences on 1 September 2023.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

 (2) Part 4 commences 12 months after this Act’s notification day.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act.

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Part 2 Multicultural charter

5 Object of Act

 (1) The object of this Act is to ensure that the ACT continues to grow as a welcoming, diverse, unified and inclusive community.

 (2) The object is to be achieved by giving effect to the multicultural charter in a way that is consistent with—

 (a) the [Discrimination Act 1991](http://www.legislation.act.gov.au/a/1991-81); and

 (b) the [Human Rights Act 2004](http://www.legislation.act.gov.au/a/2004-5).

6 Multicultural charter

The multicultural charter is set out in schedule 1.

Part 3 Multicultural Advisory Council

7 Establishment of council

The Multicultural Advisory Council (the council) is established.

8 Functions of council

The council has the following functions:

 (a) advising the Minister on ways to—

 (i) continue to grow the cultural and linguistic diversity of the ACT; and

 (ii) encourage entities to give effect to the multicultural charter; and

 (iii) increase opportunities for active participation in social, cultural, economic and civic life in the ACT; and

 (iv) foster harmonious relations within the ACT community; and

 (v) strengthen the ACT as a welcoming and inclusive community for all;

 (b) facilitating the exchange of information and ideas between the Minister and the culturally or linguistically diverse community of the ACT;

 (c) undertaking consultation to identify the evolving needs of the culturally or linguistically diverse community in the ACT;

 (d) providing advice to, and consulting with, any group or entity as directed by the Minister;

 (e) any other function given to the council under a territory law.

9 Director-general to give support

The director-general must provide administrative support and facilities for the council.

10 Membership of council

 (1) The council is made up of—

 (a) the chair; and

 (b) the deputy chair; and

 (c) 9 other members.

 (2) The Minister must appoint the—

 (a) chair of the council; and

 (b) deputy chair of the council; and

 (c) other members of the council.

Note For laws about appointments, see the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), pt 19.3.

 (3) The Minister may appoint a person to the council only if the Minister is satisfied that the person—

 (a) represents cultural or linguistic diversity; or

 (b) has demonstrated leadership or expertise in contemporary issues relevant to cultural or linguistic diversity.

 (4) The Minister must take all practicable steps to ensure that the council is made up of people of different—

 (a) gender identities; and

 (b) age groups; and

 (c) residency or immigration status; and

 (d) generations of migrants.

 (5) An appointment must be for a term of not longer than 2 years.

 (6) A person must not be a member of the council for more than 2 terms.

 (7) In this section:

immigration status—see the [Discrimination Act 1991](http://www.legislation.act.gov.au/a/1991-81), dictionary.

11 Ending appointments

The Minister may end the appointment of a council member—

 (a) for misbehaviour; or

 (b) if the Minister is satisfied that the member is, or is likely to be, unable to effectively exercise the member’s functions.

12 Procedures of council

 (1) Subject to subsection (2), the council may conduct its proceedings (including its meetings) as it considers appropriate.

 (2) The Minister may give the council a direction in relation to the procedures of the council, including—

 (a) how the council must conduct its proceedings; and

 (b) how frequently the council must meet; and

 (c) the records the council must keep or publish.

 (3) A direction is a notifiable instrument.

Part 4 Obligations of administrative units and Minister

13 General obligations of administrative units

The director-general of an administrative unit must—

 (a) ensure the administrative unit develops, applies and reviews its policies and services in a way that recognises and continues to grow the cultural and linguistic diversity of the ACT; and

Examples—policies

1 recruitment policies and guidelines

2 procurement policies and guidance

 (b) ensure that people in the ACT community, regardless of their culture, language, religion or spiritual belief, have effective and equitable access to information, services and programs provided by the administrative unit; and

 (c) ensure the administrative unit exercises its functions in a way that is consistent with, and helps give effect to, the multicultural charter; and

 (d) consult with the ACT community about how the administrative unit can best comply with its obligations under this section; and

 (e) ensure the administrative unit works with other administrative units and territory agencies to help give effect to the multicultural charter.

14 Reporting obligations of administrative units

 (1) The director-general annual report for an administrative unit must, for a reporting year, include—

 (a) the measures taken by the administrative unit during the reporting year to comply with section 13; and

 (b) a summary of any feedback received from the community as part of any consultation carried out under section 13 (d) during the reporting year.

Note An annual report direction may include other requirements about reporting on the multicultural charter (see [Annual Reports (Government Agencies) Act 2004](http://www.legislation.act.gov.au/a/2004-8), s 8).

 (2) In this section:

director-general annual report—see the [Annual Reports (Government Agencies) Act 2004](http://www.legislation.act.gov.au/a/2004-8), section 6.

reporting year—see the [Annual Reports (Government Agencies) Act 2004](http://www.legislation.act.gov.au/a/2004-8), dictionary.

15 Annual ministerial statement to Legislative Assembly

The Minister must, as soon as practicable after each financial year, present to the Legislative Assembly a statement about how administrative units have complied with section 13 during the financial year.

Part 5 Miscellaneous

16 Review of Act

 (1) The Minister must review the operation of this Act as soon as practicable after the end of—

 (a) its 5th year of operation; and

 (b) every 10-year period beginning at the end of its 5th year of operation.

 (2) The Minister must present a report of each review to the Legislative Assembly within 6 months after the day the review is started.

17 Regulation-making power

The Executive may make regulations for this Act.

Schedule 1 Multicultural charter

(see s 6)

The Legislative Assembly declares to each and every individual in the ACT—

 (1) you are entitled to live in a community where there is mutual respect, irrespective of your culture, language, religion or spiritual belief; and

 (2) you have a shared obligation to stop racism, discrimination and the negative effects these have on our community; and

 (3) you are free and safe to express, practise, share and maintain your cultural and religious or spiritual identity; and

 (4) your varied experiences and personal attributes, as an individual or as part of a community, contribute to the unique expression of your cultural identity, and is recognised and respected; and

 (5) you belong to the ACT community, and are free to participate on equal terms in the social, cultural, economic, civic and political life of the ACT; and

 (6) whether you are a refugee, migrant or otherwise, you are forever welcome and your contributions to the ACT are valued and recognised; and

 (7) language is central to the preservation and appreciation of cultural identity, and you are free and are supported to use, preserve and promote your language; and

 (8) you are an integral part of the ACT’s cultural, linguistic and religious or spiritual diversity, and are supported to enjoy and celebrate the diversity in all aspects of community life.

Dictionary

(see s 3)

Note The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) contains definitions relevant to this Act. For example:

 Act

 administrative unit

 director-general (see s 163)

 entity

 financial year

 function

 in relation to

 Legislative Assembly

 Minister (see s 162).

council means the Multicultural Advisory Council established under section 7.

multicultural charter means the charter established under section 6.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 2022.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2022.

3 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).