

# EXPOSURE DRAFT

**Minister for Multicultural Affairs**

(Prepared by Parliamentary Counsel's Office)

## Multicultural Recognition Bill 2022

### Contents

---

	Page
Preamble	2
<b>Part 1</b>	
<b>Preliminary</b>	
1 Name of Act	3
2 Commencement	3
3 Dictionary	3
4 Notes	3

	Page
<b>Part 2</b>	
<b>Multicultural charter</b>	
5 Object of Act	4
6 Multicultural charter	4
<b>Part 3</b>	
<b>Multicultural Advisory Council</b>	
7 Establishment of council	5
8 Functions of council	5
9 Director-general to give support	6
10 Membership of council	6
11 Ending appointments	7
12 Procedures of council	7
<b>Part 4</b>	
<b>Obligations of administrative units and Minister</b>	
13 General obligations of administrative units	8
14 Reporting obligations of administrative units	9
15 Annual ministerial statement to Legislative Assembly	9
<b>Part 5</b>	
<b>Miscellaneous</b>	
16 Review of Act	10
17 Regulation-making power	10
<b>Schedule 1</b>	
<b>Multicultural charter</b>	11
<b>Dictionary</b>	12

## EXPOSURE DRAFT

# 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:

## **EXPOSURE DRAFT**

## 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](#), 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](#), s 155 and s 156 (1)).

### 4 Notes

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

## EXPOSURE DRAFT

## 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*; and
  - (b) the *Human Rights Act 2004*.

### 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.

## EXPOSURE DRAFT

**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](#), 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

**EXPOSURE DRAFT**



- (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*, 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.

# **EXPOSURE DRAFT**



**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](#), s 8).

- (2) In this section:

*director-general annual report*—see the [Annual Reports \(Government Agencies\) Act 2004](#), section 6.

*reporting year*—see the [Annual Reports \(Government Agencies\) Act 2004](#), 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.

**EXPOSURE DRAFT**

## **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.

## EXPOSURE DRAFT

## Dictionary

(see s 3)

*Note* The [Legislation Act](#) 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](#) 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).

---

## EXPOSURE DRAFT