



Western Australia

Multicultural and Ethnic Affairs Commission Act 1983

Compare between:

[06 Jul 1998, 00-c0-04] and [04 Jul 2006, 00-d0-05]

Multicultural and Ethnic Affairs Commission Act 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. Short title

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

2. Commencement

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

3. Interpretation

In this Act unless the Contrary intention appears —

“**Commissioner**” means the person appointed to be Commissioner of Multicultural and Ethnic Affairs under section 7;

“**Deputy Commissioner**” means the person appointed to be Deputy Commissioner for Multicultural and Ethnic Affairs under section 7;

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“member” means a member of the Commission and includes the Commissioner and the Deputy Commissioner;

“the Commission” means the Multicultural and Ethnic Affairs Commission established by section 5.

[Section 3 amended by No. 27 of 1986 s.4.]

4. Objects

The objects of this Act are to —

- (a) promote the recognition by the people of this State of the contribution made to the life of the people of this State by the diverse communities in this State and to enhance the appreciation of this contribution;
- (b) encourage the participation of persons of diverse origins, languages or cultures in the life of the people of this State;
- (c) facilitate equal access of persons of diverse origins; languages or cultures to the services and facilities provided for the people of this State;
- (d) encourage people of diverse languages, traditions and cultures among the people of this State to preserve their languages, traditions and cultures; and
- (e) promote cooperation among the diverse communities in this State to achieve a cohesive society.

5. Commission established

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

6. Membership of the Commission

- (1) The Commission shall consist of 12 members, being —
 - (a) the Commissioner; and
 - (aa) the Deputy Commissioner;

(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.

[Section 6 amended by No. 27 of 1986 s.5.]

7. Commissioner and Deputy Commissioner for Multicultural and Ethnic Affairs

- (1) The Governor shall appoint a person to be Commissioner for Multicultural and Ethnic Affairs and a person to be Deputy Commissioner for Multicultural and Ethnic Affairs.
- (2) Each of the Commissioner and the Deputy 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 and the Deputy Commissioner are 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 or the Deputy Commissioner was, immediately before his appointment as Commissioner or Deputy Commissioner an officer of the Public Service of the State, he retains his existing and accruing rights on his appointment as Commissioner or Deputy Commissioner.

[Section 7 amended by No. 27 of 1986 s.6.]

8. Terms and conditions of membership

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

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

[Section 8 amended by No. 27 of 1986 s.7.]

9. Vocation of office

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.

10. Existing rights

Acceptance of or appointment to an office of member by any person does not of itself render the provisions of Part 3 of the *Public Sector Management Act 1994*, 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.

[Section 10 amended by No. 32 of 1994 s.3(2).]

11. Casual vacancies

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.

12. Meetings of Commission

- (1) The Commission shall hold such meetings as are necessary for the performance of its functions.
- (2) The Commissioner, in the event of the Commissioner being absent or for any other reason unable to act, the Deputy Commissioner may at any time convene a meeting of the Commission and shall do so when ever directed by the Minister.
- (3) The Commissioner shall preside at all meetings of the Commission at which he is present and the Deputy Commissioner shall preside at all meetings of the Commission at which he is, but the Commissioner is not present.
- (4) If the Commissioner and the Deputy Commissioner are both 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.

[Section 12 amended by No. 27 of 1986 s.8.]

13. Functions of the Commission

- (1) The functions of the Commission are —
- (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. Advisers to Commission

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.

15. Committee

- (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.
- (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. Delegation

- (1) The Commission may by instrument in writing delegate any of its powers or functions, other than this power of delegation to —
 - (a) a member;
 - (b) a committee established pursuant to section 15,either generally or as provided by the instrument of delegation.

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- (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.

17. Staff

There may be appointed from time to time under and subject to Part 3 of the *Public Sector Management Act 1994* such officers as may be required for the purposes of assisting the Commission in the effective administration of this Act.

[Section 17 amended by No. 32 of 1994 s.3(2).]

~~18.~~ *Repealed by No. 98 of 1985 Schedule 1.*

19. Immunity of members to the Commission

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.

20. Regulations

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.

21. Commission to expire

- (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.

Notes

- ¹- This is a compilation of the *Multicultural and Ethnic Affairs Commission Act 1983* and includes all amendments effected by the other Acts referred to in the following Table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Multicultural and Ethnic Affairs Commission Act 1983</i>	82 of 1983	22 Dec 1983	1 Jul 1984 (see <i>Gazette</i> 15 Jun 1984 p. 1629)
<i>Acts Amendment (Financial Administration and Audit) Act 1985</i>	98 of 1985	4 Dec 1985	1 Jul 1986 (see <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Multicultural and Ethnic Affairs Commission Amendment Act 1986</i>	27 of 1986	29 Jul 1986	29 Jul 1986
<i>Acts Amendment (Public Sector Management) Act 1994 Pt. 2</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see <i>Gazette</i> 30 Sep 1994 p. 4948)

[This Act was repealed by the Statute Law Revision Act 2006 s. 3\(1\) \(No. 37 of 2006\) as at 4 Jul 2006 \(see s. 2\)](#)