

**Version No. 010**  
**Victorian Multicultural Commission Act**  
**1993**

**Act No. 26/1993**

Version incorporating amendments as at 23 October 1997

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**Act No. 26/1993**

Version incorporating amendments as at 23 October 1997

**The Parliament of Victoria enacts as follows:**

**1. *Purpose***<sup>1</sup>

The purpose of this Act is to create the Victorian Multicultural Commission.

S. 1  
substituted by  
No. 73/1996  
s. 20.

**2. *Commencement***

- (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) The remaining provisions of this Act come into operation on a day to be proclaimed.

**3. *Victorian Multicultural Commission***

There is established a Commission to be known as the Victorian Multicultural Commission.

S. 3  
amended by  
No. 73/1996  
s. 21.

**4. *Objectives***

The objectives of the Commission are—

- (a) to promote full participation by Victoria's ethnic groups in the social, economic, cultural and political life of the Victorian community; and
- (b) to promote access by Victoria's ethnic groups to services made available by governments and other bodies; and
- (c) to encourage all of Victoria's ethnic groups to retain and express their social identity and cultural inheritance; and

- (d) to promote co-operation between bodies concerned with ethnic affairs; and
- (e) to promote unity among Victoria's ethnic groups; and
- (f) to promote a better understanding of Victoria's ethnic groups within the Victorian community.

**5. *Functions of the Commission***

The functions of the Commission are—

- (a) to ensure that the objectives of the Commission are met to the maximum extent that is practicable; and
- (b) to investigate, report and make recommendations to the Minister on any aspect of ethnic affairs referred to it by the Minister; and
- (c) to advise the Minister on factors inhibiting the development of harmonious community relations and on barriers to the participation of Victoria's ethnic groups in the social, economic, cultural and political life of the Victorian community; and
- (d) to consult with relevant bodies and people to determine the needs of Victoria's ethnic groups; and
- (e) to maintain and further develop harmonious community relations between all relevant groups in the context of Victoria's culturally diverse society.

**6. *Commission subject to the directions of the Minister***

The Commission must comply with any directions given to it in writing by the Minister.

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**7. Members of the Commission**

- (1) The Commission is to have at least 7 members, but is not to have more than 10 members.
- (2) The members of the Commission are to be appointed by the Governor in Council.
- (3) In appointing members, the Governor in Council must, to the maximum extent that is practicable, attempt to ensure that the overall membership of the Commission reflects a diversity of social, occupational and ethnic backgrounds and that it contains appropriate gender representation.
- (4) The Governor in Council—
  - (a) may appoint a person to be a member for 4 years; and
  - (b) may re-appoint a member to a second term; and
  - (c) may not re-appoint a member to a third term (regardless of the length of the first 2 terms and regardless of whether those terms were served consecutively or not); and
  - (d) may at any time remove a member from office.
- (5) A member—
  - (a) is not, in respect of his or her office as a member, subject to the **Public Sector Management Act 1992**; and
  - (b) is to hold office on the terms and conditions determined by the Governor in Council; and
  - (c) may resign from office by delivering a signed letter of resignation to the Governor in Council.
- (6) If a member fails, without giving prior notice to the Chairperson, to attend 3 consecutive meetings

of the Commission of which he or she has received notice, the Governor in Council may revoke the member's appointment.

- (7) An act or decision of the Commission is not invalid by reason only of vacancies in the membership of the Commission or of defects in the appointment of members of the Commission.
- (8) Despite sub-section (4)(a), the Governor in Council may appoint up to 5 of the first 10 members to be appointed to the Commission to be members for 2 years.

#### **8. *Chairperson of the Commission***

- (1) The Governor in Council must appoint one of the members of the Commission to be the Chairperson of the Commission.
- (2) The Governor in Council may appoint the Chairperson to act on either a full-time or part-time basis.
- (3) If appointed on a full-time basis, the Chairperson must not engage in any other paid employment without the consent of the Minister.
- (4) The Minister may appoint another member of the Commission to act as the Chairperson during any period in which the Chairperson is on leave or is unable to fully carry out the duties of office.

#### **9. *Deputy Chairperson of the Commission***

- (1) The members of the Commission may elect a Deputy Chairperson.
- (2) The Deputy Chairperson may preside at meetings of the Commission at which the Chairperson (or acting Chairperson) is not present.

#### **10. *When the Commission is to meet***

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- (1) The members of the Commission must meet at least 6 times each year.
  - (2) The dates of meeting are to be set by the Chairperson after consulting the Minister.
  - (3) The Chairperson must also call a meeting of the Commission within 3 days of any date asked for in writing by more than half of its members.

**11. *Procedure at meetings***

- (1) A matter cannot be decided at a meeting of the Commission unless more than half of its members are present.
- (2) The person presiding at a meeting has both a deliberative vote and a casting vote.
- (3) The person presiding at a meeting must ensure that the decisions made at the meeting are recorded in writing.
- (4) The Chairperson must ensure that a copy of any such decisions are given to the Minister within 14 days after the meeting.
- (5) A member may not vote by proxy at a meeting.
- (6) The Commission may otherwise regulate its own procedure, subject to the regulations (if any).

**12. *Delegation***

The Commission may delegate any of its functions to a sub-committee of its members or to any of its members.

**13. *Annual report***

- (1) On or before 30 September each year the Commission must give the Minister a report of its

work and activities for the year ending on 30 June that year.

- (2) The report must also contain any information specifically requested by the Minister.
- (3) The Minister must cause each annual report submitted to the Minister under this section to be laid before each House of Parliament before the expiration of the 7th sitting day of that House after the report is received by the Minister.

#### **14. Regulations**

The Governor in Council may make regulations for or with respect to prescribing any matters or things which are necessary to be prescribed to give effect to this Act.

#### **15. Repeal of former Act**

The **Ethnic Affairs Commission Act 1982** is repealed.

#### **16. Commission succeeds former Commission**

- (1) The Commission is the successor in law of the Ethnic Affairs Commission established by the **Ethnic Affairs Commission Act 1982**.
- (2) The members of the former Commission cease to hold office.
- (3) Despite the repeal of the **Ethnic Affairs Commission Act 1982**, sections 9(1) and (3) of that Act continue to apply to any person who was a chairman or deputy chairman of the former Commission.

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**NOTES**

**1. General Information**

*Minister's second reading speech—*

*Legislative Assembly: 22 April 1993*

*Legislative Council: 12 May 1993*

The long title for the Bill for this Act was "A Bill to create a new Ethnic Affairs Commission, to repeal the **Ethnic Affairs Commission Act 1982** and for other purposes."

The **Ethnic Affairs Commission Act 1993** was assented to on 25 May 1993 and came into operation as follows:

Sections 1, 2 on 25 May 1993: s. 2(1); sections 3–16 on 17 June 1993:  
Special Gazette (No. 40) 17 June 1993 p. 1.

The name of this Act was changed from the **Ethnic Affairs Commission Act 1993** to the **Victorian Multicultural Commission Act 1993** by section 19 of the **Miscellaneous Acts (Further Omnibus Amendments) Act 1996**, No. 73/1996.



*Victorian Multicultural Commission Act 1993*  
*Act No. 26/1993*

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**2. Table of Amendments**

This Version incorporates amendments made to the **Victorian Multicultural Commission Act 1993** by Acts and subordinate instruments.

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**Miscellaneous Acts (Further Omnibus Amendments) Act 1996, No. 73/1996**

*Assent Date:* 17.12.96

*Commencement Date:* Pt 10 (ss 18–23) on 17.12.96: s. 2(1)

*Current State:* This information relates only to the provision/s amending the **Victorian Multicultural Commission Act 1993**

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### 3. Explanatory Details

<sup>1</sup> Title: Sections 22, 23 of the **Miscellaneous Acts (Further Omnibus Amendments) Act 1996**, No. 73/1996 read as follows:

#### **22. Construction of references**

- (1) In this section "**relevant document**" means—
- (a) an Act; or
  - (b) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**; or
  - (c) any document whatsoever.
- (2) In relation to any period occurring on or after the commencement of this Part and unless inconsistent with the context or subject matter, a reference in a relevant document—
- (a) to the **Ethnic Affairs Commission Act 1993** must be taken to be a reference to the **Victorian Multicultural Commission Act 1993**;
  - (b) to the Ethnic Affairs Commission must be taken to be a reference to the Victorian Multicultural Commission.

#### **23. Transitional provision**

Despite the change in name of the Commission established by the Principal Act, the Commission continues to be the same body after as before its change in name and no act, matter or thing is affected by that change.