



Multicultural Recognition Act 2016

Current as at 1 July 2016



Queensland

Multicultural Recognition Act 2016

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Multicultural Recognition Act 2016

An Act to provide for a Multicultural Queensland Charter, a Multicultural Queensland Advisory Council, a multicultural policy and a multicultural action plan and for other particular purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Multicultural Recognition Act 2016*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Purposes of Act

The purposes of this Act are—

- (a) to recognise the valuable contribution of diverse groups of people to the Queensland community; and
- (b) to promote Queensland as a unified, harmonious and inclusive community by establishing the multicultural charter; and
- (c) to ensure services provided by government entities are responsive to the diversity of the people of Queensland by—
 - (i) establishing the council; and

- (ii) providing for the multicultural policy and multicultural action plan; and
- (iii) requiring that employees of government entities be made aware of the multicultural charter, multicultural policy and multicultural action plan; and
- (iv) establishing reporting obligations for particular government entities.

4 Act binds all persons

This Act binds all persons, including the State.

5 Definitions

In this Act—

chief executive, of a government entity, means—

- (a) for a department—the chief executive in relation to the department under the *Public Service Act 2008*, section 10(1); or
- (b) for a public service office—the head of the public service office under the *Public Service Act 2008*, section 21; or
- (c) for a registry or other administrative office of a court or tribunal—the chief executive of the department in which is administered the legislation under which the court or tribunal is established; or
- (d) for another entity—the person responsible for the management of the entity.

council means the Multicultural Queensland Advisory Council established under section 8.

diversity means cultural, linguistic and religious diversity.

employee, of a government entity, includes—

- (a) an officer or member of the entity; and

- (b) an individual who works for the entity under a contract for services.

government entity means a government entity under the *Public Service Act 2008*, section 24.

multicultural action plan see section 20(1).

multicultural charter means the Multicultural Queensland Charter set out in schedule 1.

multicultural policy see section 19(1).

multicultural policy outcomes means the outcomes stated in the multicultural policy under section 19(2)(b).

6 Application of Act

- (1) This Act does not—
- (a) create rights for anyone; or
 - (b) impose legally enforceable obligations on the State, the Minister, a member of the council, a government entity, a chief executive or employee of a government entity, or anyone else.
- (2) No provision of this Act creates a civil cause of action based on a contravention of the provision.
- (3) Failure to comply with this Act does not affect the validity of any decision.
- (4) If there is a conflict between this Act and another Act that requires an entity to consider principles or comply with requirements in the exercise of the entity's functions or powers, the other Act prevails to the extent of the inconsistency.

Part 2 Multicultural Queensland Charter

7 The Multicultural Queensland Charter

The Multicultural Queensland Charter is set out in schedule 1.

Part 3 Multicultural Queensland Advisory Council

8 Establishment

The Multicultural Queensland Advisory Council is established.

9 Functions

- (1) The functions of the council are—
- (a) to give advice and make recommendations to the Minister about the following—
 - (i) the needs, aspirations and contributions of people from diverse backgrounds;
 - (ii) raising awareness of the multicultural charter within the Queensland community;
 - (iii) developing and implementing government policies about multiculturalism;
 - (iv) how services and programs funded by the Government can be responsive to the needs of people from diverse backgrounds; and
 - (b) to consult with any group or entity as directed by the Minister.

Examples for paragraph (b)—

- a group of people from a particular cultural, linguistic or religious background

- an entity representing the interests of people within a particular age group
- (2) The council may also perform other functions as directed by the Minister.

10 Membership of council

- (1) The council consists of the Minister and 11 members appointed by signed notice by the Minister.
- (2) In making an appointment, the Minister must have regard to—
- (a) the need for the membership of the council to be representative of the diverse groups of people in the Queensland community including people from regional locations; and
 - (b) the need for balanced gender representation in the membership of the council.

11 Disqualification as member

- (1) A person is disqualified from becoming, or continuing as, a member if the person—
- (a) has a conviction, other than a spent conviction, for an indictable offence; or
 - (b) is an insolvent under administration under the Corporations Act, section 9; or
 - (c) is disqualified from managing corporations under the Corporations Act, part 2D.6.
- (2) In this section—
- spent conviction*** means a conviction—
- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
 - (b) that is not revived as prescribed by section 11 of that Act.

12 Term of appointment

- (1) A member holds office for the term, not longer than 3 years, stated in the member's instrument of appointment.
- (2) If a member is reappointed, the total of the member's terms of appointment may not be more than 6 years.

13 Conditions of appointment

- (1) A member is to be paid the remuneration and allowances decided by the Minister.
- (2) For matters not provided for by this Act, a member holds office on the conditions decided by the Minister.

14 Chairperson

- (1) The chairperson of the council is the Minister.
- (2) The Minister may appoint a designated person to act as the chairperson for any time when the Minister can not perform the functions of the office.
- (3) In this section—
designated person means—
 - (a) a member of the council; or
 - (b) a member of the Legislative Assembly; or
 - (c) an appropriately qualified public service employee.

15 Vacancy in office

A member's office becomes vacant if the member—

- (a) dies; or
- (b) is disqualified from continuing as a member under section 11; or
- (c) resigns by signed notice given to the Minister; or

- (d) is absent from 3 consecutive meetings of the council without the council's permission and without reasonable excuse.

16 General procedure

- (1) Council meetings are to be held at the times and places the council decides.
- (2) However, the council must meet at least twice a year.
- (3) The chairperson is to preside at all council meetings at which the chairperson is present.
- (4) If the chairperson is not present and a designated person has been appointed to act as the chairperson under section 14(2), the designated person is to preside.
- (5) If neither the chairperson nor a designated person appointed to act as the chairperson under section 14(2) is present, a member chosen by the members present is to preside.
- (6) The council may conduct its meetings as it considers appropriate.

17 Minutes and records of decisions

The council must keep—

- (a) minutes of its meetings; and
- (b) a record of its decisions.

18 Publishing summary of meeting

- (1) As soon as practicable after each council meeting, a summary of the meeting must be published—
 - (a) on the department's website; and
 - (b) in any other way the council considers appropriate to make the summary publicly available, including, for example, on another website.

- (2) The summary must—
 - (a) state the key issues discussed at the meeting and the decisions made at the meeting; and
 - (b) be approved by the Minister.

Part 4 **Responsibilities of the Minister and government entities**

19 **Multicultural policy**

- (1) The Minister must, within 6 months after this section commences, prepare a policy about multiculturalism in Queensland (***multicultural policy***).
- (2) The multicultural policy must—
 - (a) promote the principles of the multicultural charter; and
 - (b) state outcomes for services provided by government entities to people from diverse backgrounds in the Queensland community; and
 - (c) provide for a consistent approach across government for collecting statistical information about the diversity of people who use services provided by government entities.
- (3) The chief executive of the department must publish the multicultural policy—
 - (a) on the department’s website; and
 - (b) in any other way the chief executive considers appropriate to make the policy publicly available, including, for example, on another website.

20 **Multicultural action plan**

- (1) The Minister must prepare a plan about implementing the multicultural policy outcomes (***multicultural action plan***).

- (2) The multicultural action plan must—
 - (a) be consistent with the principles of the multicultural charter; and
 - (b) state the actions that all or stated government entities must take to achieve the multicultural policy outcomes; and
 - (c) state the actions that all or stated government entities must take to ensure services provided by the entities are accessible to people who have difficulty understanding English or communicating in English.
- (3) The Minister must—
 - (a) prepare the first plan within 6 months after this section commences; and
 - (b) prepare a further plan at least once every 3 years.
- (4) The chief executive of the department must publish each plan prepared under this section—
 - (a) on the department’s website; and
 - (b) in any other way the chief executive considers appropriate to make the plan publicly available, including, for example, on another website.
- (5) A plan prepared under this section—
 - (a) takes effect when it is published on the department’s website; and
 - (b) stops having effect when a further plan prepared under subsection (3)(b) takes effect.

21 Report on multicultural policy

- (1) The Minister must, as soon as practicable after each multicultural action plan stops having effect, table a report in the Legislative Assembly about the multicultural policy.
- (2) The report must include information about—

[s 22]

- (a) the extent to which the multicultural policy outcomes are being achieved; and
- (b) the actions required by the multicultural action plan taken by government entities in the period for which the plan was in effect.

22 Chief executives to ensure awareness

The chief executive of a government entity must ensure employees of the entity are aware of—

- (a) the multicultural charter, multicultural policy and multicultural action plan; and
- (b) how the multicultural charter, multicultural policy and multicultural action plan apply to the work of the employees.

23 Government entities to consider multicultural charter

The employees of a government entity must consider the multicultural charter when developing policies or providing services of the entity.

24 Government entities' reporting obligations

- (1) This section applies to a government entity if the multicultural action plan requires the entity to take 1 or more stated actions.
- (2) The government entity must, as soon as practicable after the end of each financial year, make the information stated in subsection (3) publicly available, including, for example, by publishing the information on the entity's website.
- (3) For subsection (2), the information is—
 - (a) a statement of the actions the multicultural action plan requires the government entity to take; and
 - (b) a summary of the entity's progress in implementing the actions in the financial year.

Part 5 **Miscellaneous**

25 **Regulation-making power**

The Governor in Council may make regulations under this Act.

Schedule 1 The Multicultural Queensland Charter

section 7

Because—

the Parliament—

- honours the Aboriginal peoples and Torres Strait Islander peoples, the First Australians, whose lands, winds and waters we all now share, and their ancient and enduring cultures; and
- acknowledges the achievements of our forebears, coming from many backgrounds, and that a bringing together of the cultures of people from many backgrounds forms an integral part of Queensland's identity; and
- recognises that diversity deepens and enriches our community and provides an invaluable asset for Queensland's future;

this Act establishes the following Multicultural Queensland Charter—

- 1 A shared commitment to Queensland and Australia, and a free and democratic society governed by the rule of law, fosters a strong and unified community.
- 2 The people of Queensland come from many diverse backgrounds and have worked, and continue to work, together to build a prosperous, fair and harmonious Queensland.
- 3 The people of Queensland should be able to express and celebrate, in a lawful way, their cultural, linguistic and religious diversity.
- 4 Equal rights and responsibilities under the law and equitable access to the services provided or funded by the Government for all people of Queensland helps build a fair community.
- 5 A shared commitment, among members of the Queensland community, to mutual respect, fair treatment and valuing the

diversity of peoples in the community fosters a caring, safe and inclusive community.

- 6 The creation of opportunities that encourage the full participation of people from diverse backgrounds in the cultural, economic, political and social life of Queensland helps build a prosperous State.
- 7 Sustained, respectful and inclusive engagements between all individuals, groups and the Government are a basis for mutual understanding.
- 8 A unified and harmonious community promotes a sense of belonging among its people and builds community confidence and resilience.

1 Index to endnotes

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2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section
o in	= order in council	sch	= schedule
c			

Key	Explanation	Key	Explanation
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnu	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
1 July 2016	none	

4 List of legislation

Multicultural Recognition Act 2016 No. 1

date of assent 4 March 2016

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2016 (2016 SL No. 82)

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