



Australian Capital Territory

Multiculturalism Act 2023

A2023-3

Republication No 1

Effective: 1 September 2023 – 14 February 2024

Republication date: 1 September 2023

Act not amended

Not all provisions are in force: see last endnote

About this republication

The republished law

This is a republication of the *Multiculturalism Act 2023* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 September 2023. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Multiculturalism Act 2023

Contents

| | Page |
|---------------|--|
| Preamble | 2 |
| Part 1 | Preliminary |
| 1 | Name of Act 3 |
| 2 | Commencement 3 |
| 3 | Dictionary 3 |
| 4 | Notes 3 |
| Part 2 | Object, important concepts and charter |
| 5 | Object of Act 4 |
| 6 | Important concepts 4 |
| 7 | Charter for multiculturalism 4 |
| Part 3 | Ministerial Advisory Council for Multiculturalism |
| 8 | Establishment of council 5 |

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01/09/23

Multiculturalism Act 2023
Effective: 01/09/23-14/02/24

contents 1

Contents

| | Page | |
|-------------------|---|----|
| 9 | Functions of council | 5 |
| 10 | Director-general to give support | 5 |
| 11 | Membership of council | 5 |
| 12 | Ending appointments | 6 |
| 13 | Minister to give directions on council procedures | 7 |
| 14 | Annual report by council | 7 |
| Part 4 | Obligations of administrative units and Minister | |
| 15 | General obligations of administrative units | 8 |
| 16 | Reporting obligations of administrative units | 9 |
| 17 | Annual ministerial statement to Legislative Assembly | 9 |
| Part 5 | Miscellaneous | |
| 18 | Review of Act | 10 |
| 19 | Regulation-making power | 10 |
| Schedule 1 | Charter for multiculturalism | 11 |
| Dictionary | | 12 |
| Endnotes | | |
| 1 | About the endnotes | 13 |
| 2 | Abbreviation key | 13 |
| 3 | Legislation history | 14 |
| 4 | Uncommenced provisions | 14 |



Australian Capital Territory

Multiculturalism Act 2023

An Act to promote multiculturalism in the ACT, and for other purposes

Preamble

The Legislative Assembly—

- 1 acknowledges and pays respect to the first peoples and traditional custodians of the ACT and other Aboriginal and Torres Strait Islander peoples living in, or connected to, the ACT, whose lands, winds and waters we now share; and
- 2 recognises the diverse cultures, languages and beliefs of the first peoples of the ACT, and of the many other people who make up the modern ACT community; and
- 3 believes that multiculturalism enriches the civic, cultural, economic, educational, political and social life of the ACT; and
- 4 recognises that people of diverse backgrounds and experiences may face different forms of discrimination and disadvantage; and
- 5 commits to ensuring the ACT is a harmonious and unified community where individuals, regardless of their backgrounds and experiences, feel included, respected and valued.

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

Part 1 Preliminary

1 Name of Act

This Act is the *Multiculturalism Act 2023*.

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, and includes references (*signpost definitions*) to other terms defined elsewhere in the Act.

For example, the signpost definition '*multiculturalism*—see section 6.' means that the term 'multiculturalism' is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) 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.

Part 2 Object, important concepts and charter

5 Object of Act

- (1) The object of this Act is to promote multiculturalism in the ACT.
- (2) The object is to be achieved by—
 - (a) establishing and promoting the charter for multiculturalism; and
 - (b) establishing the council; and
 - (c) providing a framework for the review and continuous development of the government's promotion of multiculturalism.

6 Important concepts

- (1) For this Act, *multiculturalism* means actions, policies, principles, programs and services intended to—
 - (a) engage with and respect individuals of diverse backgrounds and experiences; and
 - (b) promote a better understanding of individuals' diverse backgrounds and experiences; and
 - (c) maintain an equitable, harmonious, progressive and unified community; and
 - (d) benefit from diversity.
- (2) For this Act, *diversity* means the different ways an individual identifies and expresses themselves in the community, including through their culture, language, religious or spiritual belief.

7 Charter for multiculturalism

The charter for multiculturalism is set out in schedule 1.

Part 3 Ministerial Advisory Council for Multiculturalism

8 Establishment of council

The Ministerial Advisory Council for Multiculturalism is established.

9 Functions of council

The functions of the council are to—

- (a) advise the Minister on—
 - (i) ways to promote multiculturalism in the ACT; and
 - (ii) the effectiveness of government policies, programs and other actions in promoting multiculturalism; and
- (b) consult with individuals and bodies in the ACT community about promoting multiculturalism; and
- (c) exercise any other function given to the council under a territory law.

10 Director-general to give support

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

11 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) is committed to promoting multiculturalism; or
 - (b) has demonstrated leadership or expertise in contemporary issues relevant to multiculturalism.
- (4) The Minister must take all practicable steps to ensure that the membership of the council reflects diversity, including by having regard to—
- (a) gender identities; and
 - (b) age groups; and
 - (c) residency or immigration status; and
 - (d) generations of migrants and their families.
- (5) An appointment must be for a term of not longer than 3 years.
- (6) A person must not be a member of the council for more than 2 terms.

12 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; or

- (c) if the member is absent, other than on leave approved by the Minister, from 2 consecutive meetings of the council.

Note A council member may resign from the council by giving signed notice of resignation to the Minister (see [Legislation Act](#), s 210).

13 Minister to give directions on council procedures

- (1) The Minister must 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.
- (2) The Minister must publish, for a reasonable period, a draft of the direction for community consultation before giving the direction.
- (3) A direction is a notifiable instrument.

14 Annual report by council

The council must prepare an annual report under the [Annual Reports \(Government Agencies\) Act 2004](#), section 7.

Note An annual report direction may include requirements about the council's annual report (see [Annual Reports \(Government Agencies\) Act 2004](#), s 8).

U Part 4 Obligations of administrative units and Minister

U 15 General obligations of administrative units

The director-general of an administrative unit must—

- (a) ensure that the administrative unit—
 - (i) exercises its functions in a way that promotes multiculturalism; and
 - (ii) takes into account the charter for multiculturalism in exercising its functions; and
 - (iii) develops, applies and reviews its policies, programs and services in a way that promotes multiculturalism; and
 - (iv) consults with the council and the ACT community about how the administrative unit can promote multiculturalism; and
 - (v) works with the council, other administrative units and territory agencies to promote multiculturalism; and
- (b) ensure that people in the ACT community, regardless of their diversity, have effective and equitable access to information, programs and services provided by the administrative unit.

Examples—par (a) (iii)

- 1 recruitment policies and guidance
- 2 diversity of representation on boards and committees
- 3 procurement policies and guidance
- 4 accessible provision of translating and interpreting services
- 5 encouraging public communication in languages other than English
- 6 diversity action plans

U 16 Reporting obligations of administrative units

- (1) The director-general annual report for an administrative unit must, for a reporting year, include—
- (a) a statement about how the administrative unit has complied with section 15; and
 - (b) a summary of—
 - (i) comments received from any consultation carried out under section 15 (a) (iv); and
 - (ii) any action taken by the administrative unit in response to the comments.

Note An annual report direction may include other requirements about reporting on the charter for multiculturalism (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.

U 17 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—

- (a) how administrative units have complied with section 15 during the financial year; and
- (b) the government's priorities and strategies to promote multiculturalism during the following financial year.

Part 5 Miscellaneous

18 Review of Act

- (1) The Minister must review the operation of this Act as soon as practicable after the end of every 5 years of its 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.

19 Regulation-making power

The Executive may make regulations for this Act.

Schedule 1 Charter for multiculturalism

(see s 7)

The Legislative Assembly believes our community is enriched by the long and continuous cultures of the first peoples of Australia and the diverse cultures, languages, religious or spiritual beliefs of the many other people who have made our community their home. Accordingly, we say:

Regardless of your background and experiences, and how you have come to be in the ACT—

- 1 you are welcome and your contributions to our community are valued
- 2 you are free and safe to express, practise, maintain and celebrate your cultural, religious and spiritual identity
- 3 you are entitled to use, preserve and share your language
- 4 you are free to participate as equals in the civic, cultural, economic, educational, political and social life of the ACT
- 5 you are entitled to equitable access to information, services and programs provided to our community

We have a shared responsibility to—

- 6 value the contributions of all people, regardless of their backgrounds and experiences
- 7 embrace and realise the benefits that diversity brings to our civic, cultural, economic, educational, political and social life
- 8 create a harmonious and unified community based on mutual respect, trust and understanding
- 9 end racism and other forms of unlawful discrimination.

Dictionary

(see s 3)

Note The [Legislation Act](#) contains definitions relevant to this Act. For example:

- ACT
- administrative unit
- body
- director-general (see s 163)
- financial year
- function
- give
- in relation to
- individual
- Legislative Assembly
- Minister (see s 162)
- notifiable instrument (see s 10)
- person (see s 160)
- territory law.

charter for multiculturalism means the charter established under section 7.

council means the Ministerial Advisory Council for Multiculturalism established under section 8.

diversity—section 6.

multiculturalism—see section 6.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

| | |
|---|---|
| A = Act | NI = Notifiable instrument |
| AF = Approved form | o = order |
| am = amended | om = omitted/repealed |
| amdt = amendment | ord = ordinance |
| AR = Assembly resolution | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| CN = Commencement notice | pres = present |
| def = definition | prev = previous |
| DI = Disallowable instrument | (prev...) = previously |
| dict = dictionary | pt = part |
| disallowed = disallowed by the Legislative Assembly | r = rule/subrule |
| div = division | reloc = relocated |
| exp = expires/expired | renum = renumbered |
| Gaz = gazette | R[X] = Republication No |
| hdg = heading | RI = reissue |
| IA = Interpretation Act 1967 | s = section/subsection |
| ins = inserted/added | sch = schedule |
| LA = Legislation Act 2001 | sdiv = subdivision |
| LR = legislation register | SL = Subordinate law |
| LRA = Legislation (Republication) Act 1996 | sub = substituted |
| mod = modified/modification | <u>underlining</u> = whole or part not commenced or to be expired |

Endnotes

3 Legislation history

3 Legislation history

Multiculturalism Act 2023 A2023-3

notified LR 15 February 2023

s 1, s 2 commenced 15 February 2023 (LA s 75 (1)

pt 4 awaiting commencement

remainder commenced 1 September 2023 (s 2 (1))

4 Uncommenced provisions

Part 4 was uncommenced at the republication date but has been included in this republication with the symbol **U** immediately before the provision headings.

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