

2022

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Multicultural Affairs)

# Multiculturalism Bill 2022

## Contents

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	Page
Preamble	2
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 3
2	Commencement 3
3	Dictionary 3
4	Notes 3
<b>Part 2</b>	<b>Object, important concepts and charter</b>
5	Object of Act 4
6	Important concepts 4
7	Charter for multiculturalism 4

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	Page
<b>Part 3</b>	
<b>Ministerial Advisory Council for Multiculturalism</b>	
8	5
9	5
10	5
11	5
12	6
13	7
14	7
<b>Part 4</b>	
<b>Obligations of administrative units and Minister</b>	
15	8
16	9
17	9
<b>Part 5</b>	
<b>Miscellaneous</b>	
18	10
19	10
<b>Schedule 1</b>	
<b>Charter for multiculturalism</b>	11
<b>Dictionary</b>	12

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(Minister for Multicultural Affairs)

## **Multiculturalism Bill 2022**

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### **A Bill for**

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

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1 **Preamble**

2 The Legislative Assembly—

3       1 acknowledges and pays respect to the first peoples and traditional  
4       custodians of the ACT and other Aboriginal and Torres Strait Islander  
5       peoples living in, or connected to, the ACT, whose lands, winds and  
6       waters we now share; and

7       2 recognises the diverse cultures, languages and beliefs of the first  
8       peoples of the ACT, and of the many other people who make up the  
9       modern ACT community; and

10       3 believes that multiculturalism enriches the civic, cultural, economic,  
11       educational, political and social life of the ACT; and

12       4 recognises that people of diverse backgrounds and experiences may  
13       face different forms of discrimination and disadvantage; and

14       5 commits to ensuring the ACT is a harmonious and unified community  
15       where individuals, regardless of their backgrounds and experiences,  
16       feel included, respected and valued.

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Multiculturalism Act 2022*.

4 **2 Commencement**

5 (1) This Act (other than part 4) commences on 1 September 2023.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 (2) Part 4 commences 12 months after this Act's notification day.

9 **3 Dictionary**

10 The dictionary at the end of this Act is part of this Act.

11 *Note 1* The dictionary at the end of this Act defines certain terms used in this  
12 Act, and includes references (*signpost definitions*) to other terms defined  
13 elsewhere in the Act.

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

16 *Note 2* A definition in the dictionary (including a signpost definition) applies to  
17 the entire Act unless the definition, or another provision of the Act,  
18 provides otherwise or the contrary intention otherwise appears (see  
19 [Legislation Act](#), s 155 and s 156 (1)).

20 **4 Notes**

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

- 1 **Part 2** **Object, important concepts and**  
2 **charter**
- 3 **5** **Object of Act**
- 4 (1) The object of this Act is to promote multiculturalism in the ACT.  
5 (2) The object is to be achieved by—  
6 (a) establishing and promoting the charter for multiculturalism; and  
7 (b) establishing the council; and  
8 (c) providing a framework for the review and continuous  
9 development of the government's promotion of  
10 multiculturalism.
- 11 **6** **Important concepts**
- 12 (1) For this Act, *multiculturalism* means actions, policies, principles,  
13 programs and services intended to—  
14 (a) engage with and respect individuals of diverse backgrounds and  
15 experiences; and  
16 (b) promote a better understanding of individuals' diverse  
17 backgrounds and experiences; and  
18 (c) maintain an equitable, harmonious, progressive and unified  
19 community; and  
20 (d) benefit from diversity.
- 21 (2) For this Act, *diversity* means the different ways an individual  
22 identifies and expresses themselves in the community, including  
23 through their culture, language, religious or spiritual belief.
- 24 **7** **Charter for multiculturalism**
- 25 The charter for multiculturalism is set out in schedule 1.

- 1 **Part 3** **Ministerial Advisory Council for**  
2 **Multiculturalism**
- 3 **8** **Establishment of council**  
4 The Ministerial Advisory Council for Multiculturalism is established.
- 5 **9** **Functions of council**  
6 The functions of the council are to—  
7 (a) advise the Minister on—  
8 (i) ways to promote multiculturalism in the ACT; and  
9 (ii) the effectiveness of government policies, programs and  
10 other actions in promoting multiculturalism; and  
11 (b) consult with individuals and bodies in the ACT community  
12 about promoting multiculturalism; and  
13 (c) exercise any other function given to the council under a territory  
14 law.
- 15 **10** **Director-general to give support**  
16 The director-general must provide administrative support and  
17 facilities for the council.
- 18 **11** **Membership of council**  
19 (1) The council is made up of—  
20 (a) the chair; and  
21 (b) the deputy chair; and  
22 (c) 9 other members.

- 1           (2) The Minister must appoint the—
- 2                 (a) chair of the council; and
- 3                 (b) deputy chair of the council; and
- 4                 (c) other members of the council.
- 5           *Note*     For laws about appointments, see the [Legislation Act](#), pt 19.3.
- 6           (3) The Minister may appoint a person to the council only if the Minister
- 7                 is satisfied that the person—
- 8                 (a) is committed to promoting multiculturalism; or
- 9                 (b) has demonstrated leadership or expertise in contemporary issues
- 10                 relevant to multiculturalism.
- 11          (4) The Minister must take all practicable steps to ensure that the
- 12                 membership of the council reflects diversity, including by having
- 13                 regard to—
- 14                 (a) gender identities; and
- 15                 (b) age groups; and
- 16                 (c) residency or immigration status; and
- 17                 (d) generations of migrants and their families.
- 18          (5) An appointment must be for a term of not longer than 3 years.
- 19          (6) A person must not be a member of the council for more than 2 terms.

## 20   **12           Ending appointments**

- 21           The Minister may end the appointment of a council member—
- 22                 (a) for misbehaviour; or
- 23                 (b) if the Minister is satisfied that the member is, or is likely to be,
- 24                 unable to effectively exercise the member’s functions; or

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

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

5 **13 Minister to give directions on council procedures**

- 6 (1) The Minister must give the council a direction in relation to the  
7 procedures of the council, including—  
8 (a) how the council must conduct its proceedings; and  
9 (b) how frequently the council must meet; and  
10 (c) the records the council must keep or publish.  
11 (2) The Minister must publish, for a reasonable period, a draft of the  
12 direction for community consultation before giving the direction.  
13 (3) A direction is a notifiable instrument.

14 **14 Annual report by council**

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

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

1 **Part 4** **Obligations of administrative**  
2 **units and Minister**

3 **15** **General obligations of administrative units**

4 The director-general of an administrative unit must—

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

20 **Examples—par (a) (iii)**

- 21 1 recruitment policies and guidance  
22 2 diversity of representation on boards and committees  
23 3 procurement policies and guidance  
24 4 accessible provision of translating and interpreting services  
25 5 encouraging public communication in languages other than English  
26 6 diversity action plans

- 1     **16           Reporting obligations of administrative units**
- 2           (1) The director-general annual report for an administrative unit must, for
- 3           a reporting year, include—
- 4           (a) a statement about how the administrative unit has complied with
- 5           section 15; and
- 6           (b) a summary of—
- 7                 (i) comments received from any consultation carried out
- 8                 under section 15 (a) (iv); and
- 9                 (ii) any action taken by the administrative unit in response to
- 10                the comments.
- 11           *Note*    An annual report direction may include other requirements about
- 12           reporting on the charter for multiculturalism (see *Annual Reports*
- 13           *(Government Agencies) Act 2004*, s 8).
- 14           (2) In this section:
- 15                 *director-general annual report*—see the *Annual Reports*
- 16                 *(Government Agencies) Act 2004*, section 6.
- 17                 *reporting year*—see the *Annual Reports (Government Agencies)*
- 18                 *Act 2004*, dictionary.
- 19     **17           Annual ministerial statement to Legislative Assembly**
- 20           The Minister must, as soon as practicable after each financial year,
- 21           present to the Legislative Assembly a statement about—
- 22           (a) how administrative units have complied with section 15 during
- 23           the financial year; and
- 24           (b) the government’s priorities and strategies to promote
- 25           multiculturalism during the following financial year.

1 **Part 5** **Miscellaneous**

2 **18** **Review of Act**

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

5 (2) The Minister must present a report of each review to the Legislative  
6 Assembly within 6 months after the day the review is started.

7 **19** **Regulation-making power**

8 The Executive may make regulations for this Act.

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## 1      **Schedule 1            Charter for multiculturalism**

2      (see s 7)

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

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

9      1      you are welcome and your contributions to our community are valued

10     2      you are free and safe to express, practise, maintain and celebrate your  
11     cultural, religious and spiritual identity

12     3      you are entitled to use, preserve and share your language

13     4      you are free to participate as equals in the civic, cultural, economic,  
14     educational, political and social life of the ACT

15     5      you are entitled to equitable access to information, services and programs  
16     provided to our community

17     **We have a shared responsibility to—**

18     6      value the contributions of all people, regardless of their backgrounds and  
19     experiences

20     7      embrace and realise the benefits that diversity brings to our civic, cultural,  
21     economic, educational, political and social life

22     8      create a harmonious and unified community based on mutual respect,  
23     trust and understanding

24     9      end racism and other forms of unlawful discrimination.

## 1 Dictionary

2 (see s 3)

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

- 5 • ACT
- 6 • administrative unit
- 7 • body
- 8 • director-general (see s 163)
- 9 • financial year
- 10 • function
- 11 • give
- 12 • in relation to
- 13 • individual
- 14 • Legislative Assembly
- 15 • Minister (see s 162)
- 16 • notifiable instrument (see s 10)
- 17 • person (see s 160)
- 18 • territory law.

19 *charter for multiculturalism* means the charter established under  
20 section 7.

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

23 *diversity*—section 6.

24 *multiculturalism*—see section 6.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 11 October 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).

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