



Queensland

Multicultural Recognition Bill 2011



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2011

A Bill

for

**An Act to provide for a Multicultural Queensland Charter, a
Multicultural Queensland Advisory Council and a multicultural
action plan and for related purposes**

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

1 Short title 3

This Act may be cited as the *Multicultural Recognition Act 2011*. 4
5

2 Commencement 6

Part 6 commences on the later of the following— 7

(a) the day this Act is assented to; 8

(b) immediately after the *Health and Hospitals Network Act 2011*, section 283 commences. 9
10

3 Act binds all persons 11

This Act binds all persons, including the State. 12

4 Purposes of Act 13

The purposes of this Act are— 14

(a) to recognise the valuable contribution of diverse groups of people to the Queensland community; and 15
16

(b) to promote Queensland as a united, harmonious and inclusive community by establishing the charter; and 17
18

(c) to ensure government services are responsive to the diversity of the people of Queensland by— 19
20

(i) establishing the council; and 21

(ii) providing for the multicultural action plan; and 22

(iii)	requiring that employees of departments be made aware of the charter and the multicultural policy; and	1 2 3
(iv)	establishing reporting obligations for departments.	4
5	Definitions	5
	In this Act—	6
	charter means the Multicultural Queensland Charter set out in the schedule.	7 8
	council see section 8.	9
	diversity means cultural, linguistic and religious diversity.	10
	employees means—	11
(a)	public service employees; and	12
(b)	employees appointed under the <i>Ambulance Service Act 1991</i> , section 13; and	13 14
(c)	employees appointed under the <i>Fire and Rescue Service Act 1990</i> , section 25; and	15 16
(d)	persons employed under the <i>Health Services Act 1991</i> .	17
	multicultural action plan see section 16.	18
	multicultural policy means—	19
(a)	the document, published by the department, entitled ‘Queensland multicultural policy 2011—A multicultural future for all of us’; or	20 21 22
	<i>Editor’s note—</i>	23
	This document is available on the department’s website at < www.communities.qld.gov.au/multicultural >.	24 25
(b)	another policy about multiculturalism in Queensland approved by the Minister for this Act and published by the department.	26 27 28

[s 6]

6	Application of Act	1
(1)	This Act does not—	2
(a)	create rights for anyone; or	3
(b)	impose legally enforceable obligations on the State, the Minister, a department, a chief executive, a member of the council, a public service employee or anyone else.	4 5 6
(2)	No provision of this Act creates a civil cause of action based on a contravention of the provision.	7 8
(3)	Failure to comply with this Act does not affect the validity of any decision.	9 10
(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.	11 12 13 14 15
Part 2	Multicultural Queensland Charter	16 17
7	The Multicultural Queensland Charter	18
	The Multicultural Queensland Charter is set out in the schedule.	19 20

Part 3	Multicultural Queensland Advisory Council	1 2
8	Establishment of Multicultural Queensland Advisory Council	3 4
	The Multicultural Queensland Advisory Council (the <i>council</i>) is established.	5 6
9	Functions of the council	7
	(1) The functions of the council are to give advice and make recommendations to the Minister about the following—	8 9
	(a) encouraging awareness of the charter within the Queensland community;	10 11
	(b) developing and implementing government policies about multiculturalism;	12 13
	(c) how services and programs funded by the Government can accommodate the needs of people from diverse backgrounds;	14 15 16
	(d) the needs, aspirations and contributions of people from diverse backgrounds.	17 18
	(2) The council may also perform other functions as directed by the Minister.	19 20
10	Appointment	21
	(1) The council consists of the Minister and 11 members appointed by signed notice by the Minister.	22 23
	(2) When appointing members of the council, the Minister must take into account the need for the council to be representative of the diverse groups of people in the Queensland community including people from regional locations.	24 25 26 27

[s 11]

11	Term of appointment as member	1
(1)	A member is to be appointed for the term, of no more than 3 years, stated in the member's notice of appointment.	2 3
(2)	If a member is reappointed, the total of the member's terms of appointment may not be more than 6 years.	4 5
12	Chairperson	6
(1)	The chairperson of the council is the Minister.	7
(2)	The Minister may appoint the Parliamentary Secretary responsible for multicultural affairs to act as the chairperson for any time when the Minister can not perform the functions of the office.	8 9 10 11
(3)	If the Parliamentary Secretary can not perform the functions of the office of chairperson under subsection (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.	12 13 14 15 16
(4)	In this section—	17
	<i>appropriately qualified</i> includes having the qualifications, experience or standing appropriate to perform the functions of the office of chairperson.	18 19 20
	<i>Example of standing for a public service employee—</i>	21
	the employee's classification or level in a department	22
	<i>designated person</i> means—	23
(a)	a member of the council; or	24
(b)	a member of the Legislative Assembly; or	25
(c)	an appropriately qualified public service employee.	26
	<i>functions</i> includes powers.	27
13	Vacation of office	28
(1)	A member's office becomes vacant if—	29

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- | | | |
|-----------|---|----------------------|
| (a) | the member dies; or | 1 |
| (b) | the member resigns by signed notice of resignation given to the Minister; or | 2
3 |
| (c) | the member's appointment is ended by the Minister. | 4 |
| (2) | The Minister may end a member's appointment by written notice given to the member if— | 5
6 |
| (a) | in the opinion of the Minister, the member is unable, because of illness or absence from the State, to perform the functions of the office; or | 7
8
9 |
| (b) | in the opinion of the Minister, the member commits misconduct of a kind that could justify dismissal from the public service if the member were a public service employee; or | 10
11
12
13 |
| (c) | the member is an insolvent under administration within the meaning of the Corporations Act, section 9; or | 14
15 |
| (d) | the member is absent from 3 consecutive meetings of the council without the council's permission and without reasonable excuse; or | 16
17
18 |
| (e) | in the opinion of the Minister, the member is performing the member's duties carelessly, incompetently or inefficiently. | 19
20
21 |
|
 | | |
| 14 | General procedure | 22 |
| (1) | Council meetings are to be held at the times and places the council decides. | 23
24 |
| (2) | However, the council must meet at least twice a year. | 25 |
| (3) | The chairperson may call a council meeting at any time. | 26 |
| (4) | The chairperson is to preside at all council meetings at which the chairperson is present. | 27
28 |
| (5) | If the chairperson is absent, a member chosen by the members present is to preside. | 29
30 |
| (6) | The council may conduct its meetings as it considers appropriate. | 31
32 |
-

[s 15]

15	Minutes	1
	The council must keep a record of the minutes of its meetings and its decisions.	2 3
Part 4	Responsibilities of the Minister and departments	4 5
16	Minister must develop multicultural action plan	6
(1)	The Minister must develop a plan to implement the principles of the charter and the priorities of the multicultural policy (<i>multicultural action plan</i>).	7 8 9
(2)	The purposes of the multicultural action plan are to—	10
(a)	provide a coordinated whole-of-government approach to developing policies and providing services to people from diverse backgrounds; and	11 12 13
(b)	ensure each department considers the principles of the charter and the priorities of the multicultural policy when developing policies or providing services.	14 15 16
(3)	The Minister may determine a set of core outcomes for all departments to achieve as part of the multicultural action plan.	17 18
17	Timing of plans	19
(1)	The Minister must develop and commence the first multicultural action plan under this Act by 1 July 2014.	20 21
(2)	The Minister must develop and commence a further plan at least once every 3 years.	22 23
18	Report on multicultural action plan	24
	The Minister must, as soon as practicable after 3 years has passed from the commencement of each multicultural action	25 26

	plan, table a report in the Legislative Assembly about the implementation of the multicultural action plan.	1 2
19	Chief executives to ensure awareness	3
	The chief executive of a department must ensure employees of the department have an awareness of the charter and the multicultural policy.	4 5 6
20	Departments to consider charter	7
	The employees of a department must consider the charter when developing policies or providing services of the department.	8 9 10
21	Departments' reporting obligations	11
	(1) Each annual report of a department must include a report stating the department's progress in implementing the multicultural action plan for the year to which the report relates.	12 13 14 15
	(2) In this section—	16
	<i>annual report</i> see the <i>Financial Accountability Act 2009</i> , schedule 3.	17 18
22	Action plans for departments	19
	(1) A department may develop its own action plan to implement the multicultural action plan.	20 21
	(2) The department's action plan may identify—	22
	(a) how the department will implement key priorities in the multicultural action plan that are the responsibility of that department; and	23 24 25
	(b) how the department plans to achieve the core set of outcomes mentioned in the multicultural action plan.	26 27

[s 23]

Part 5 **Miscellaneous** 1

23 **Regulation-making power** 2

The Governor in Council may make regulations under this Act. 3
4

Part 6 **Amendment of this Act** 5

24 **Act amended** 6

This part amends this Act. 7

25 **Amendment of s 5 (Definitions)** 8

Section 5, definition *employees*, paragraph (d)— 9

omit, insert— 10

‘(d) persons employed under the *Health and Hospitals* 11

Network Act 2011.’ 12

Schedule	The Multicultural Queensland Charter	1
		2
	section 7	3
	Because—	4
	the Parliament recognises that our cultural heritage forms an	5
	integral part of Queensland's identity and that diversity	6
	deepens and enriches our community and provides an	7
	invaluable asset for Queensland's future;	8
	this Act establishes the following Multicultural	9
	Queensland Charter—	10
1	A shared commitment to—	11
	(a) Queensland and Australia; and	12
	(b) a free and democratic society governed by the rule	13
	of law;	14
	fosters a strong and unified community.	15
2	The people of Queensland come from many diverse	16
	backgrounds and have worked, and continue to work,	17
	together to build a prosperous, fair and harmonious	18
	Queensland.	19
3	The people of Queensland should be able to express, in	20
	a lawful way, their diverse backgrounds.	21
4	All people of Queensland should receive equal rights	22
	and responsibilities under the law.	23
5	There should be mutual respect and fair treatment	24
	among members of the Queensland community.	25
6	There should be equitable access to the services	26
	provided or funded by the Government and any	27
	impediments to this access should be removed.	28
7	Opportunities should be created that encourage the full	29
	participation of people from diverse backgrounds in the	30

Schedule

cultural, economic, political and social life of	1
Queensland.	2

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