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# ELIZABETHAE II REGINAE

A.D. 1980

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## No. 70 of 1980

**An Act to establish the South Australian Ethnic Affairs Commission; to prescribe its powers and functions; and for purposes incidental thereto.**

*[Assented to 13 November 1980]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

### PART I

PART I

#### PRELIMINARY

1. This Act may be cited as the "South Australian Ethnic Affairs Commission Act, 1980". Short title.
  
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
  
3. This Act is arranged as follows: Arrangement of Act.
  - PART I—PRELIMINARY
  - PART II—THE SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION
    - DIVISION I—ESTABLISHMENT OF THE COMMISSION
    - DIVISION II—OBJECTS, POWERS AND FUNCTIONS OF THE COMMISSION
    - DIVISION III—STAFF OF THE COMMISSION
    - DIVISION IV—FINANCIAL PROVISIONS
  - PART III—MISCELLANEOUS
  
4. In this Act, unless the contrary intention appears— Interpretation.
  - "the Commission" means the South Australian Ethnic Affairs Commission established under Part II of this Act:
  - "ethnic affairs" means any matter relating to the language, traditions and culture of an ethnic group:
  - "ethnic group" means any group of persons within the South Australian community who share a common language, traditions or culture.

PART II

## PART II

## THE SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION

DIVISION I

## DIVISION I—ESTABLISHMENT OF THE COMMISSION

**Establishment  
of Commission.**

5. (1) There shall be a Commission entitled the "South Australian Ethnic Affairs Commission".

(2) The Commission—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) shall be capable of suing and being sued;

(c) shall, for the purpose of carrying out its functions, be capable of—

(i) holding, acquiring, dealing with and disposing of real and personal property;

(ii) acquiring or incurring any other rights or liabilities;

and

(d) shall hold its property on behalf of the Crown.

(3) Where an apparently genuine document purports to bear the common seal of the Commission, it shall be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal of the Commission has been duly affixed to that document.

**Constitution of  
Commission.**

6. (1) The Commission shall consist of the following members appointed by the Governor upon the nomination of the Minister:

(a) one full-time member who shall be the Chairman and Chief Executive Officer of the Commission;

and

(b) seven part-time members.

(2) In selecting nominees for appointment to the Commission, the Minister shall have regard to—

(a) the knowledge;

(b) sensitivity;

(c) enthusiasm and personal commitment,

and

(d) nature and extent of involvement with ethnic groups,

of those who come under consideration in the field of ethnic affairs.

(3) The full-time member of the Commission shall be appointed—

(a) for—

(i) in the case of the first appointee—a term of office, not exceeding five years, specified in the instrument of his appointment;

or

(ii) in the case of a subsequent appointee—a term of office of five years;

and

(b) upon such conditions as may be determined by the Governor.

(4) A part-time member of the Commission shall be appointed—

(a) where he is one of the first appointees—for a term of office not exceeding three years, specified in the instrument of his appointment;

or

(b) in the case of a subsequent appointee—for a term of office of three years.

(5) Subject to any condition of appointment to the contrary, upon the expiration of his term of office, a member of the Commission shall be eligible for re-appointment.

(6) The Governor may appoint—

(a) a member of the Commission;

or

(b) an employee of the Commission,

to be Deputy Chairman of the Commission.

(7) The Governor may appoint a suitable person to be a deputy of a member of the Commission (other than the Chairman) and such a person may act as a member of the Commission—

(a) in the case of the deputy of a member who is Deputy Chairman of the Commission—

(i) in the absence of the Deputy Chairman;

or

(ii) at any meeting of the Commission at which the Deputy Chairman presides;

or

(b) in any other case—in the absence of the member of whom he has been appointed a deputy.

(8) A member of the Commission shall not, as such, be subject to the Public Service Act, 1967-1978.

7. (1) The full-time member of the Commission shall be entitled to receive such salary, allowances and expenses as the Governor may from time to time determine.

Salary,  
allowances and  
expenses.

(2) A part-time member of the Commission shall be entitled to receive such allowances and expenses as the Governor may from time to time determine.

8. (1) The Governor may remove a member of the Commission from office on the ground of—

Removal from  
and vacancies  
of office.

(a) a breach of, or non-compliance with, a condition of his appointment;

(b) mental or physical incapacity;

(c) dishonourable conduct;

or

(d) neglect of duty.

**PART II**  
**DIVISION I**

(2) A member of the Commission shall be deemed to be guilty of neglect of duty when he has, without leave of the Commission, been absent from four consecutive meetings of the Commission.

(3) The office of a member of the Commission becomes vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by notice in writing given to the Commission;

or

(d) he is removed from office by the Governor pursuant to subsection (1) of this section.

(4) Upon the office of a member of the Commission becoming vacant, a person shall be appointed to that office in accordance with this Act.

(5) Where the office of a member of the Commission becomes vacant before the expiration of the term of office for which he was appointed, the person appointed in his place shall be appointed only for the balance of that term.

Meetings of  
the  
Commission,  
etc.

9. (1) The Chairman shall preside at all meetings of the Commission at which he is present.

(2) In the absence of the Chairman from a meeting of the Commission the Deputy Chairman shall, if present, preside at that meeting, and in the absence of both the Chairman and the Deputy Chairman from a meeting of the Commission, the members present shall choose one of their number to preside at that meeting.

(3) A decision carried by a majority of the votes cast by the members present at a meeting shall be a decision of the Commission.

(4) The person presiding at a meeting of the Commission shall, in the event of an equality of votes, have a second or casting vote.

(5) Five members of the Commission shall constitute a quorum at a meeting of the Commission, and no business shall be transacted at a meeting unless a quorum is present.

(6) The Commission shall keep accurate minutes of proceedings at its meetings and, within fourteen days of the holding of a meeting, shall furnish the Minister with a copy of the minutes of that meeting.

(7) Subject to this Act, the Commission may conduct its business in such manner as it thinks fit.

Validity of acts  
of Commission  
and immunity  
of members.

10. (1) An act or decision of the Commission shall not be invalid by reason only of any vacancy in the office of a member of the Commission or on the ground of any defect in the appointment of any member of the Commission.

(2) No liability shall attach to a member of the Commission for any act or omission by him, or by the Commission, in good faith and in the exercise of his or its powers or functions or in the discharge of his or its duties under this Act.

(3) Any liability that would, but for subsection (2) of this section, attach to a member of the Commission shall attach to the Crown.

**PART II**  
**DIVISION II****DIVISION II—OBJECTS, POWERS AND FUNCTIONS OF THE COMMISSION**

**11.** In the exercise of its powers and functions, the Commission shall be subject to the general control and direction of the Minister.

Commission to be subject to control of Minister.

**12.** The objects of the Commission are as follows:

Objects of the Commission.

- (a) to promote greater understanding of ethnic affairs within the community;
  - (b) to assist and encourage the full participation of ethnic groups in the community in the social, economic and cultural life of the community;
  - (c) to promote co-operation between the various ethnic groups within the community;
- and
- (d) to promote co-operation between bodies concerned in ethnic affairs.

**13.** (1) Subject to this Act, the functions of the Commission are as follows:

Functions of the Commission.

- (a) to investigate problems relating to ethnic affairs and to advise the Minister and make reports and recommendations on the basis of those investigations;
  - (b) to consult with and provide advice to Government Departments and instrumentalities on the implementation of ethnic affairs policies;
  - (c) to undertake research and compile data relating to ethnic groups;
  - (d) to advise on the allocation of funds available for promoting the interests of ethnic groups;
  - (e) to provide services (including interpreting, translating and information services) approved by the Minister to ethnic groups;
  - (f) to consult with other bodies and persons to determine the needs of ethnic groups and the means of promoting their interests;
  - (g) to arrange and co-ordinate meetings, discussions, seminars and conferences with respect to ethnic affairs;
  - (h) to report and make recommendations to the Minister on matters relating to the avoidance of discrimination on the basis of ethnic origin;
- and
- (i) to co-ordinate initiatives in the field of ethnic affairs.

(2) The Commission shall, in carrying out its functions, act wherever possible with a view to encouraging participation by voluntary organizations and local government bodies.

**14.** (1) The Commission may, by instrument in writing, delegate any of its powers or functions to—

Delegation.

- (a) a committee appointed by the Commission;

PART II  
DIVISION II

(b) a member of the Commission;

or

(c) an officer or employee of the Commission.

(2) A delegation under this section is revocable at will and does not derogate from the power of the Commission to act in any matter.

Advisory  
Committees.

15. (1) The Commission may with the approval of the Minister, appoint such advisory committees as it thinks fit to assist in the performance of its functions.

(2) A committee appointed under this section shall investigate and report to the Commission upon any matter referred to it by the Commission for investigation and report.

DIVISION III

## DIVISION III—STAFF OF THE COMMISSION

Officers of the  
Commission.

16. (1) The Governor may, upon the recommendation of the Commission, appoint officers for the purpose of assisting the Commission in carrying out its functions.

(2) An officer of the Commission shall be appointed, and shall hold office subject to and in accordance with the Public Service Act, 1967-1978.

(3) The Commission may, with the approval of a Minister administering a department of the Public Service of the State, upon terms mutually arranged, make use of the services of an officer of that department for any purpose related to the performance of the functions of the Commission under this Act.

Voluntary  
workers.

17. (1) The Commission may, upon such conditions as it thinks fit, make use of the gratuitous services of voluntary workers interested in the field of ethnic affairs.

(2) The Commission may, with the approval of the Minister, pay to any such voluntary worker such allowances on account of expenses as the Commission thinks fit.

(3) The Commission may provide such training for voluntary workers as it thinks fit.

DIVISION IV

## DIVISION IV—FINANCIAL PROVISIONS

Moneys  
required for the  
purposes of  
this Act.

18. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

Funds of the  
Commission.

19. (1) All moneys received by the Commission shall be paid into a banking account established under this section.

(2) The Commission may establish such banking accounts as it thinks fit.

(3) A banking account established under this section shall be operated by cheque signed and countersigned by such persons as the Commission may appoint for that purpose.

PART II  
DIVISION IV

**20.** (1) As soon as practicable after the commencement of this Act the Commission shall present to the Minister a budget showing estimates of receipts and payments over the balance of the financial year within which the budget is presented and thereafter the Commission shall before the commencement of each subsequent financial year present to the Minister a budget showing estimates of its receipts and payments for that financial year.

Budget.

(2) The Minister may approve a budget presented to him pursuant to subsection (1) of this section with or without amendment.

(3) The Commission shall not, without the consent of the Minister, make any expenditure that is not authorized by a budget as approved by the Minister under this section.

**21.** (1) The Commission shall cause proper accounts to be kept of its financial affairs and not later than three months after the end of each financial year submit to the Auditor-General a statement of accounts for that financial year in a form approved by the Treasurer.

Accounts.

(2) The Auditor-General may audit the accounts of the Commission at any time and shall audit the statement of accounts for each financial year.

(3) The Auditor-General shall have and may exercise in respect of the moneys and accounts of the Commission and the officers of the Commission the powers that are vested in the Auditor-General by the Audit Act, 1921-1975, in respect of public accounts and accounting officers.

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**PART III**PART III**MISCELLANEOUS**

**22.** Officers of any department or instrumentality of government, or of any public, municipal or local authority shall provide the Commission with such information and assistance as the Commission may reasonably require in the performance of its functions.

Certain officers,  
etc., to assist  
Commission.

**23.** (1) The Commission shall, within one month after its receipt of the audited statement of accounts for each financial year, submit to the Minister a report upon the work of the Commission during that financial year, incorporating the audited statement of accounts for that financial year.

Annual report.

(2) The Minister shall, as soon as practicable after his receipt of the report, cause copies of the report to be laid before each House of Parliament.

**24.** The Governor may make such regulations as are necessary or expedient for the purposes of this Act.

Regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor