

1986

PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN INSTITUTE OF MULTICULTURAL AFFAIRS
REPEAL BILL 1986

EXPLANATORY MEMORANDUM

(Circulated by authority of the
Minister for Immigration and Ethnic
Affairs, the Hon Chris Hurford MP)

AUSTRALIAN INSTITUTE OF MULTICULTURAL AFFAIRS REPEAL BILL
1986

OUTLINE

The purpose of the Australian Institute of Multicultural Affairs Repeal Bill 1986 is to repeal the Australian Institute of Multicultural Affairs Act 1979 and the Australian Institute of Multicultural Affairs Amendment Act 1985, thereby abolishing the Australian Institute of Multicultural Affairs ("the Institute").

FINANCIAL IMPACT

It is expected that savings of \$1 million in the financial year 1986-87, and some \$2 million in subsequent years, will occur as a result of the abolition of the Institute.

NOTES ON CLAUSES

Clauses 1 and 2

The first two clauses of the Bill provide for the short title and for the commencement of the legislation on a day to be fixed by Proclamation.

Clause 3 : Repeal

This clause repeals the Australian Institute of Multicultural Affairs Act 1979 and the Australian Institute of Multicultural Affairs Amendment Act 1985.

Clause 4 : Interpretation

This clause contains definitions used commonly throughout the Bill.

Clause 5 : Transfer of assets, liabilities etc

Clause 5(a) provides that on the commencing day of the legislation any rights, property or assets that were held by the Institute are vested in the Commonwealth. Clause 5(b) obligates the Commonwealth to pay and to discharge any debts, liabilities or obligations of the Institute that existed immediately prior to the commencing day.

Clause 6 : Engagements, arrangements and contracts

Under the provisions of clause 6, any engagement, arrangement or contract entered into by or on behalf of the Institute, still in force immediately before the commencing day, continues in force, with the Commonwealth substituted for the Institute as a party, and the Minister, or a person authorised by the Minister, substituted in any reference to the Council of the Institute, the Chairperson of the Council of the Institute or the Director of the Institute.

Clause 7 : Exemption from taxation

Any document or instrument, certified by the Secretary of the Department responsible for the administration of the legislation, or an officer of the Department authorised by the Secretary, to have been made, executed or given because of, or for a purpose connected with or arising out of the operation of this legislation is not liable for any tax under Commonwealth, State or Territory law.

Clause 8 : Report on the operations of the Institute

Clause 8 requires the Minister to prepare a report on the operations of the Institute from the concluding date of the period covered by the last report of the Institute furnished to the Minister, to the commencing date of this legislation. The Minister is also required to provide financial statements in respect of the above period in a form approved by the Minister for Finance.

Clause 9 : Audit of financial statements

This clause requires the Minister to submit the financial statements of the Institute to the Auditor-General, who is to report to the Minister on whether the financial statements are a true and proper record of the Institute's financial affairs, and whether the financial affairs were conducted in accordance with the repealed Act. There is also a provision requiring the Auditor-General to report to the Minister anything arising out of the statements the Auditor-General feels should be drawn to the Minister's attention.

Clause 10 : Reports and financial statements to be laid before Parliament

Clause 10 requires the Minister to lay before each House of the Parliament the reports referred to in clauses 8 and 9 within 15 sitting days of that House after receipt of the Auditor-General's report.

Clause 11 : Appropriation

Clause 11 provides for the Department to use unexpended funds appropriated for the financial year 1986-87 to meet liabilities under clauses 5 and 6, to perform functions previously performed by the Institute and to pay expenses associated with termination payments for persons who held offices or positions under, or who were employed under the repealed Act.