

Multicultural NSW Advisory Board Guidelines

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1. Message from the Minister



As Minister for Multiculturalism, I am committed to building and maintaining a cohesive and harmonious society that benefits everyone in New South Wales.

My agency, Multicultural NSW, similarly seeks to foster community harmony and celebrate our cultural diversity across the state.

I thank all members of the Advisory Board for sharing their sound knowledge and expertise across many fields, which guide us in this important work.

Your engagement and networks of influence help the NSW Government to connect with our multicultural, multifaith and multilingual communities and are greatly appreciated.

We flourish when we all pull together, making sure no one is left behind, and harness the collective strength of our diverse communities.

I look forward to working with you to make New South Wales an even more successful multicultural society by improving outcomes for our diverse communities.

The Honourable Steve Kamper MP
Minister for Multiculturalism

2. Introduction

As the lead Government Agency supporting the multicultural policies of the NSW Government, Multicultural NSW exists to build and maintain a cohesive and harmonious multicultural society that enriches the lives of all the people of NSW.

Multicultural NSW has a vision to contribute to a stronger NSW with increased social, cultural and economic prosperity through cultural diversity.

We achieve this through three key principles that underscore all of our activities and programs:

- **Engage:** with all sections of society and break down barriers to participation
- **Enable:** equitable access to services and programs
- **Enrich:** social and economic capacity through cultural diversity as an asset of our State.

Multicultural NSW Advisory Board Members contribute their expertise and understanding of the key issues affecting our State's culturally and linguistically diverse communities. They have a rich knowledge in regard to the remit and intent of the *Multicultural NSW Act 2000 (The Act)* and our Strategic Plans.

Advisory Board members engage in constructive consultation with our diverse multicultural communities, represent Multicultural NSW at community events, chair Regional Advisory Councils (RACs), actively participate in Multicultural Consultation Forums as required. They provide guidance to the Agency in establishing and implementing strategic directions.

Youth Advisory Board members represent young people and provide an important perspective and contribution in achieving the objectives of the NSW Government.

The Advisory Board is a valued and important contributor to the success of Multicultural NSW.

2.1 Scope

These procedural guidelines ('the Guidelines') are applicable to all Advisory Board members appointed by the Governor of NSW on the advice of the Minister.

The Guidelines should be read in conjunction with the legislation; other relevant Multicultural NSW policies and procedures; and, broader whole of NSW Government policies and guidelines that apply to the NSW public sector generally.

A list of principal Multicultural NSW and broader NSW public sector policies and procedures, as well as relevant legislation, is provided in Section 13.

3. The Multicultural NSW Advisory Board

The Advisory Board is an expert Advisory Board established to provide advice and guidance to Multicultural NSW through its Chief Executive Officer and to the Minister.

3.1 Objectives and Functions

The Advisory Board draws on the cultural diversity, skills and experience of its Members to engage, enable and enrich society by promoting multicultural principles in NSW.

Advisory Board members are empowered to be interactive and collaborative within the community and to keep abreast of issues in which the Advisory Board may have a constructive impact. Advisory Board members are encouraged to engage with the community to identify service requirements and facilitate access to these services in a timely, flexible and efficient manner.

Advisory Board members participate in setting the strategic directions for the Agency and in guiding the Agency to achieve its objectives as articulated in its strategic planning documents and policies.

The objectives of the Agency which Advisory Board members support are as follows:

- (a) To promote the equal rights and responsibilities of citizenship,
- (b) To promote the unity, and strong commitment to Australia, of all people in a cohesive and harmonious multicultural society,
- (c) To promote the participation of the people of New South Wales in community life and the public decision-making process so that they can exercise their rights and fulfil their obligations,
- (d) To promote access to government and community services that is equitable and that has regard to the linguistic, religious and ancestral diversity of the people of New South Wales,
- (e) To promote a cohesive and harmonious multicultural society with mutual respect for and understanding of cultural diversity, including by combating racism,
- (f) To promote the enrichment of all sections of society through the benefits of cultural diversity,
- (g) To promote the multicultural principles and the advantages of a multicultural society,

- (h) To promote social justice, community development and community initiatives for all the diverse communities in New South Wales.

The key functions of the Agency are as follows:

- (a) to undertake systematic and wide-ranging consultation with people and groups with respect to its objectives and to arrange and participate in forums to promote its objectives,
- (b) To advise and make recommendations to the Minister to promote any of its objectives,
- (c) To research or investigate and report to the Minister on any matter relating to its objectives that Multicultural NSW considers appropriate or that the Minister refers to Multicultural NSW for research or investigation,
- (d) To facilitate co-operative arrangements involving governmental, business, education and community groups or bodies to promote its objectives,
- (e) To enter into agreements with public authorities in connection with their functions to promote the objectives of Multicultural NSW (including but not limited to, the objective relating to access to government services),
- (f) To provide a single coordination point for integrated responses to issues associated with cultural diversity and to assist in resolving issues associated with cultural diversity,
- (g) To assist and develop programs for, and assess the effectiveness of, public authorities in observing the multicultural principles in the conduct of their affairs, particularly in connection with the delivery of government services, so as to facilitate consistency across authorities on issues associated with cultural diversity,

Note: For example, under the Multicultural Policies and Services Program of Multicultural NSW, government agencies are required to implement a multicultural plan.

- (h) To provide (whether within or outside New South Wales) interpreter, translation or other services approved by the Minister,
- (i) To advise the Minister on the most effective use of funds appropriated by Parliament for programs related to its objectives (including funds for the provision of resources to community groups that promote the objectives of Multicultural NSW),
- (j) To support community initiatives that promote the objectives of Multicultural NSW (including initiatives that support women and girls and other groups of diverse backgrounds) and to promote community engagement for the purposes of promoting those objectives,
- (k) To encourage eligible people to become Australian citizens,

- (l) To advise and make recommendations to the Anti-Discrimination Board on matters relating to discrimination and racial vilification and to refer matters relating to discrimination and racial vilification to the Anti-Discrimination Board,
- (m) Any other functions that are conferred or imposed on it by or under this or any other Act.

Legislative functions of the Advisory Board

The legislative functions of the Advisory Board are:

- To advise Multicultural NSW or the Minister on any issue relating to the objectives or strategic directions of Multicultural NSW it considers appropriate or that is referred to it by Multicultural NSW or the Minister, and
- To review and provide advice to Multicultural NSW on the state of community relations report in New South Wales.

3.2 Organisational Structure of the Advisory Board

The Advisory Board will consist of the Chief Executive Officer and up to 15 Members and comprise:

- a. A part-time Chairperson, and
- b. Part-time Members.

Of the part-time Advisory Board members, two are to be persons appointed as representatives of youth from NSW and who are not less than 18 years of age and not more than 24 years of age at the time of their appointment.

RACs are established for regional areas of NSW. The legislation states that RACs are to have an appointed Advisory Board member as Chairperson of each RAC. At the time of writing, the Community Engagement Strategy and a revised RAC structure are under review.

Multicultural NSW may also establish standing committees to assist it in connection with the exercise of any of its functions or special committees to consider and report on particular issues.

A diagram of the organisation structure including the Advisory Board is provided at [APPENDIX 1](#).

4. Key Governance Matters

The Advisory Board is required to maintain a number of documents to support its effective governance and operation. In addition to those required by the legislation, these documents should include a Work Plan and a Code of Conduct (see Section 7). In order to ensure the ongoing relevance and role of the Advisory Board, the Advisory Board will also be subjected to a system of review.

4.1 Work Plan

It is appropriate that the Advisory Board drafts and implements a work plan to identify strategies to achieve the objectives of the Advisory Board. The performance of the Advisory Board should also be monitored against the work plan.

4.2 Reports

The Advisory Board will review and contribute to the preparation of the Multicultural NSW yearly report on the state of community relations in NSW as affected by cultural diversity, including an assessment of the effectiveness of public authorities in observing multicultural principles in the conduct of their affairs.

The report is to be furnished to the Minister annually in accordance with the legislation.

4.3 Reviews

The Advisory Board will be subject to a formal review, conducted by an independent external service provider, every three years. The purpose of this review is to ensure that informed decisions can be made about the ongoing relevance and role of the Advisory Board in supporting the NSW Government to achieve its objectives.

The formal review process will consider whether:

- a. The Advisory Board is fulfilling its functions and objectives, its successes and the outcomes of its work against the action plan.
- b. The Advisory Board has an appropriate number of members for the functions being performed.
- c. Advisory Board members have the appropriate mix of skills, experience, and diversity.
- d. Advisory Board members are fulfilling their responsibilities.

In addition to a formal review every three years, the Advisory Board should undertake an internal review to consider whether Advisory Board members:

- a. Participate in and contribute to the objectives and workload of the Advisory Board.
- b. Attend at least 80 per cent of the scheduled Advisory Board meetings and engage effectively with other Advisory Board members throughout the year.
- c. Be clear on their role and responsibilities and the operating environment of the Advisory Board and the relationship with the Minister, the Agency and other key stakeholders.
- d. Have any actual or potential conflicts of interest.

5. Roles and Responsibilities

Members are appointed to the Advisory Board on the basis that their individual skills, experience and knowledge will collectively enhance the capacity of the Advisory Board to successfully advise government through the Agency on the state of community relations within NSW.

As part of the work plan referred to in paragraph 4.1 the performance of each member will be reviewed on an annual basis. Particular attention will be paid to the contribution made in relation to the skill set each member brings to the Advisory Board.

Members of the Advisory Board will participate in committees and forums most appropriate to the skills and experience they bring and will also assist in raising and resolving issues that affect community harmony and social cohesion.

Advisory Board members, the CEO and Secretary have a unique set of responsibilities in regards to the functioning of the Advisory Board.

5.1 The Chairperson

The Chairperson is responsible for leading the activities of the Advisory Board. Responsibilities include:

- a. Ensuring that the Advisory Board performs its functions in accordance with the legislation and complies with policies relevant to the Advisory Board (including whole of government policies).
- b. Developing an annual work plan to guide the activities of the Advisory Board.
- c. Facilitating the conduct of Advisory Board meetings to allow frank and open discussion.
- d. Assisting Advisory Board members to make an effective contribution to the Advisory Board. Your specific contribution in line with your experience, diversity and skills sets includes working in the areas of health and sport.

- e. Developing the capability of the Advisory Board and Advisory Board members.
- f. Facilitating the flow of information to Advisory Board members and stakeholders.
- g. Advising the Minister as appropriate and liaising effectively with the Chief Executive Officer.
- h. Reviewing the performance and contribution of the Advisory Board members on an annual basis.
- i. Ensuring that appropriate secretariat support is provided to the Advisory Board. Providing input into the nomination, selection and recruitment process for new members.
- j. Participating proactively in Multicultural NSW events and activities and championing them.
- k. Representing Multicultural NSW at festivals and community functions sponsored by the Agency.
- l. Modelling a high level of professional conduct to other members of the Advisory Board in accordance with the provisions of the [Code of Conduct](#) provided in Section 7 of the Guidelines.

5.2 Advisory Board members

The roles and responsibility of the Advisory Board members include:

- a. Supporting the Chairperson and Advisory Board to achieve the objectives.
- b. Attending greater than 80 per cent of the Advisory Board meetings annually and participating in decision making processes.
- c. Undertaking consultation or research, including engaging with the community, to support and promote discussion of the agenda items at Advisory Board meetings.
- d. Participating proactively in Multicultural NSW events and activities and championing them.
- e. Representing Multicultural NSW at festivals and community functions sponsored by the Agency.
- f. Demonstrating a high level of professional conduct whilst undertaking their duties, in accordance with the provisions of the [Code of Conduct](#) provided in Section 7 of the Guidelines.

5.3 Chief Executive Officer

The Chief Executive Officer will assist the Chairperson in his/her role by:

- a. Contributing to the preparation of meeting papers for the Advisory Board and providing information to support discussions and recommendations (where relevant and appropriate).

- b. Providing information on Multicultural NSW strategic plans.
- c. Facilitating access to information on Community Engagement initiatives for Advisory Board members.
- d. Effectively engaging the Advisory Board as an expert advisory body in seeking input to development of strategic initiatives and ongoing guidance as required.
- e. Facilitating the periodic and full reviews of the effectiveness of the Advisory Board.
- f. Supporting the Advisory Board members in their effective engagement with the activities of Multicultural NSW.
- g. Liaising with other government agencies, including central agencies, to provide information to enable oversight of the Advisory Board across the sector.

5.4 Secretariat Support

Secretariat support is required to support the effective operation of the Advisory Board. Key secretariat responsibilities include:

- a. Working with the CEO and Chairperson to develop agendas, manage meeting papers and prepare a range of documents to support the operation of the Advisory Board.
- b. Circulating the Advisory Board papers in advance of meetings.
- c. Taking minutes of the Advisory Board meetings including decisions, discussion and any dissenting views.
- d. Organising meeting facilities and other meeting logistics.
- e. Liaising with the Advisory Board members and completing administrative tasks associated with their appointment and duties.

Further information regarding the roles and responsibilities of Advisory Board members at Advisory Board meetings is outlined in Section 8, [Meetings and Associated Administration](#).

6. Appointment of Advisory Board members

The appointment of Advisory Board members follows a specific process defined in legislation, as well as NSW Government policies and procedures.

6.1 Appointment

Advisory Board members, including the Chairperson, are appointed for a term of office which must not exceed three years and cannot extend beyond three consecutive terms for Advisory Board members.

6.2 Vacancy of Office

There are a number of circumstances whereby an Advisory Board Member's office will become vacant. These circumstances include if the Advisory Board Member:

- a. Dies.
- b. Completes a term of office and is not re-appointed.
- c. Resigns the office by instrument in writing addressed to the Minister.
- d. Is removed from office by the Governor for reasons provided for under the relevant legislation.
- e. Is absent from three consecutive meetings of the Advisory Board of which reasonable notice has been given to the Advisory Board member, except on leave granted by the Advisory Board or unless, before the expiration of four weeks after the last of those meetings, the Advisory Board Member is excused by the Advisory Board for having been absent from those meetings.
- f. Becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors, or makes an assignment of his or her remuneration for their benefit.
- g. Becomes a mentally incapacitated person.
- h. Is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- i. Engages in conduct contrary to the standards specified within these Guidelines.

6.3 Re-appointment

Advisory Board member reappointments require a submission to be prepared for the Minister with consideration as per the normal appointment process.

7. Code of Conduct

The Code of Conduct clarifies the standards of behaviour that are expected of Advisory Board members in the performance of their duties. It gives guidance in areas where Advisory Board members may need to make personal and ethical decisions.

Members of the Advisory Board have a particular obligation to act in the public interest. Advisory Board members must therefore:

- a. Comply with the NSW Government Policy and Guidelines for Advisory Boards and Committees.
- b. Comply with the ethical framework for the government sector set out in the *Government Sector Employment Act 2013* by upholding the core values of: integrity; trust; service and accountability (see [Appendix 3](#)).
- c. Have a clear understanding of their public duty and legal responsibilities.
- d. Act for a proper purpose and without exceeding their powers.

Advisory Board members are expected to perform their duties impartially and be fair and honest in their official dealings with their colleagues and the public. They are required to carry out any reasonable instructions and/or directives issued to them during the course of their duties. They must familiarise themselves with relevant Multicultural NSW and broader NSW Public Sector policies and procedures which may have a bearing on their actions and decisions.

In carrying out their duties, Advisory Board members are expected to comply with the following:

7.1 Respect for people

Advisory Board members are to treat their colleagues fairly and consistently, in a non-discriminatory manner and with proper regard for their rights and obligations.

As champions of diversity, Multicultural NSW does not tolerate harassment or discrimination by any of its staff members, and as such Advisory Board members are prohibited from engaging in behaviours which would constitute harassment or discrimination.

7.2 Lobbying

There is a public expectation that lobbyists will be individuals of strong moral calibre, who operate according to the highest standards of professional conduct.

To this end, Advisory Board members who are lobbyists are expected to adhere to the additional conduct standards proscribed in the [NSW Government Lobbyist Code of Conduct](#).

7.3 Public Expenditure

Advisory Board members must ensure the efficient and responsible expenditure of public monies in accordance with legislation and Government policies and guidelines.

7.4 Ethical Decision Making

Decisions of the Advisory Board should be made in the light of applicable legislation, the Code of Conduct, Government policy and Multicultural NSW objectives.

Decisions and outcomes must be in the public interest and be able to withstand public scrutiny.

Conflicts of interest, including personal gain at public expense, must be avoided.

7.5 Conflicts of Interest

Advisory Board members are appointed on the basis of their expertise in the area of cultural diversity as well as their professional skills. As a result there is the potential for conflicts of interest to arise between an Advisory Board member's duties to Multicultural NSW and their own personal interests.

Conflicts of interest exist when it is likely that an Advisory Board member could be influenced by a personal, community or business interest. Such a conflict may lead to partial decision-making and may even result in corrupt conduct.

A conflict of interest, whether real, potential or perceived, may arise (for example) from:

- Other directorships or employment, particularly if this involves activities that are/can be perceived to be at odds with the ethos and remit of Multicultural NSW.
- Professional and business interests and associations.
- Involvement in community organisations that Multicultural NSW engages with.
- Investment interests or the investment interests of friends or relatives.
- Family relationships.
- Participation in party political activities.
- Personal beliefs or attitudes that affect impartiality.

In order to prevent conflicts of interest, Advisory Board members must:

- a. Declare to the Chairperson situations in which their private interests, whether pecuniary or otherwise, conflict (or might reasonably be perceived to conflict) with their official dealings with their colleagues and/or the public.

- b. Disclose to the Chairperson the relevant particulars of any office, position of trust or responsibility in a company or other organisations (whether or not it is an office of profit), or disclose any pecuniary or personal interests in such an organisation.
- c. Declare to a meeting of the Advisory Board any interest they may have which is relevant to a matter under discussion.

The Chairperson must:

- a. Declare to a meeting of the Advisory Board any interest she/he may have which is relevant to a matter under discussion.
- b. Inform any officer or employee if she/he considers that a matter is likely to involve the officer in a conflict of interest and the officer will then withdraw from any discussion and take no part in preparation of further advice on the matter.

Disclosure should be made at the beginning of an Advisory Board member's term and during the term as necessary.

A register of such interests must be maintained by the Advisory Board and must also be reported to the Minister. Reporting should be undertaken in the Member's [Pecuniary Interest Declaration Register](#).

7.6 Avoiding and Managing Conflicts of Interest

Where a conflict of interest has been identified, the matter must be considered by the Advisory Board. The Advisory Board should make a decision as to how to manage it and record reasons for that decision.

Examples of how the Advisory Board may choose to manage conflicts of interest include:

- a. Agreeing that the Member will not to take part in any discussion of the Advisory Board relating to the interest or issue, not receive any relevant Advisory Board papers, be absent from the meeting room when any discussion or vote is taking place.
- b. Divestment of the interest or issue that is creating the conflict, for example the sale of shares.
- c. Severing the connection; for example resignation from a position in another organisation giving rise to the conflict.
- d. Resignation of the Advisory Board member from the Advisory Board.

7.7 Use of Public Resources

Furniture, equipment, staff and other Multicultural NSW resources such as Information and Telecommunications ('ITC') may be provided to Advisory Board members to perform the Advisory Board functions. These should be used only in relation to those functions.

Advisory Board members who use Multicultural NSW's resources have a responsibility to ensure that they do so in accordance with relevant policy and procedure, and that these resources are protected and handled with care to avoid any potential damage. Any ITC devices issue to Advisory Board members during the period of their appointment must be returned immediately to Multicultural NSW upon vacating office.

- a. **Record keeping** – Business communications sent electronically become official records subject to statutory record keeping requirements. Electronic records are subject to the same standards of record keeping that apply to paper records. Electronic business communications must be preserved in accordance with the policy on the management of electronic messages. Further details are provided in Section 8, **Meetings and Associated Administration**.
- b. **Security** – Messages conveyed through communications devices can be intercepted, traced and/or recorded. Although such practices are normally illegal, users cannot have an expectation of privacy. As a general principle, email should not be used to convey confidential or commercially sensitive information, as there is no guarantee that confidentiality will be maintained. Information regarding access to an agency's computer and communication system, such as dial-up telephone numbers and email address lists, shall be considered as confidential information and should not be divulged without authorisation.
- c. **Remote Access** – Advisory Board members requiring remote access to corporate information must do so from a mobile device that has been cleared and established for such a use by Multicultural NSW Systems and Technology Unit.
- d. **Unlawful Use of Communications Equipment** – The use of any Multicultural NSW ITC systems to make or send fraudulent, unlawful or abusive information, calls or message is prohibited. The receipt of threatening, intimidating or harassing telephone calls or emails should be reported immediately.

- e. Personal Use of Communication Devices** – Personal use of Multicultural NSW communication devices should be infrequent and brief. Examples of improper personal use of communication devices include, but are not limited to:
- Accessing and subscribing to fee based services for personal use.
 - Allowing an unauthorised third party to use a Multicultural NSW communication device unless urgent business or personal circumstances would reasonably require such use.
 - Engaging in activities that might be questionable, controversial or offensive such as pornography and other inappropriate images, gambling, accessing chat lines, transmitting inappropriate jokes, and sending junk email.
 - Transmitting non-business related written material to political organisations.
 - Downloading or installing non-business related software applications (apps) without prior approval.
- f. Email Use** – Email that is sent and received using Multicultural NSW email addresses are considered to be property of the Agency. Email is a medium used as a form of business communication and is therefore considered to be an official record of the Advisory Board.

When using email, the following provisions must be complied with:

- Emails should be checked regularly. It is discourteous to ignore an electronic message, and may be confusing to the sender.
- Always reply promptly. The purpose of email is to facilitate and expedite communication and processes. Hoarding email messages defeats this purpose.
- Use your own identity when sending mail.
- Be courteous. Courtesy is a Multicultural NSW requirement. Do not sacrifice courtesy for conciseness. Others appreciate a brief ‘thank you’ and ‘please’. Typing in uppercase has a ‘shouting’ effect and may be perceived as being rude or angry. Also too many spelling errors may be seen as being disrespectful to the recipient.
- Do not use email for defamatory, libellous, obscene and abusive messages. Multicultural NSW strictly prohibits the use of such email.

7.8 Use of Official Information

Members must not disclose official information or documents acquired as a consequence of their Advisory Board membership, other than as required by law, or when the member has been given proper authority to do so.

Advisory Board members must not use information obtained in the course of their official duties to gain a pecuniary or other advantage for themselves or for any other person or organisation.

Advisory Board papers, discussions and decisions must be treated as confidential. Advisory Board members will not make known the contents of the Advisory Board's papers, discussions or decisions unless specifically requested to do so by the Chairperson, or by resolution of the Advisory Board or with the prior approval of the Chairperson. At other times decisions of the Advisory Board will be made known by the Chairperson and, where appropriate, after approval from the Minister.

7.9 Gifts and Benefits

It is improper to seek, offer or receive money or gifts in order to obtain a benefit or favour. Advisory Board members must not solicit or accept from any person any remuneration or benefit for the discharge of the duties of their office. Should a gift, or hospitality be offered on any occasion, then the receipt of that gift or hospitality must be recorded in Multicultural NSW's Register of Gifts.

7.10 Corrupt Conduct

Corrupt conduct can be generally understood as the dishonest or partial exercise of public official functions. It may also involve the conduct of non-public officials which adversely affects the honest and impartial exercise of a public official's functions.

The Chief Executive Officer is required to report corrupt conduct or suspected corruption directly to the Independent Commission against Corruption ('ICAC').

Advisory Board members should report corrupt conduct or suspected corruption to the Chairperson and Chief Executive Officer in the first instance, unless it is inappropriate that they do so, in which case they should make their report directly to ICAC.

For conduct to be considered corrupt under the ICAC Act, it has to be serious enough to involve a criminal offence, a disciplinary offence, be grounds for dismissal or, in the case of Members of Parliament, involve a substantial breach of their Code of Conduct.

A report must be made to ICAC as soon as there is reasonable suspicion that corrupt conduct may have occurred or may be occurring. Matters must be reported to ICAC regardless of any duty of secrecy or other restriction on disclosure. It is important that reports to ICAC be made without advising the person(s) to whom the report relates and without publicity.

The [*Public Interest Disclosures Act 1994*](#) provides protection to public officials who voluntarily report suspected corrupt conduct. Advisory Board members can make reports to the Chief Executive Officer in accordance with Multicultural NSW's internal reporting guidelines.

Advisory Board members can also report directly to the following investigative bodies:

- Disclosures concerning serious and substantial waste of public money should be made to the NSW Auditor General.
- Disclosures concerning maladministration should be made to the NSW Ombudsman.

7.11 Breaches of the Code of Conduct

Breaches of the Code of Conduct may result in adverse administrative action being taken, up to and including, removal from office.

8. Meetings and Associated Administration

Advisory Board members have a duty to attend at least 80 per cent of all scheduled meetings. Advisory Board members may be granted leave by the Chairperson and should notify any absences from Advisory Board meetings to the Chairperson as soon as practicable.

Apart from attending the Advisory Board's regular meetings, at Multicultural NSW's offices, Advisory Board members also need to attend RAC meetings which they chair, and any other meetings as required by the Advisory Board.

Advisory Board members are required to spend time reviewing Advisory Board papers prior to Advisory Board meetings. Agenda papers, which vary in size, will be distributed to Advisory Board members one week prior to the meeting. It is reasonable for Advisory Board members to liaise with their fellow Advisory Board members outside Advisory Board meetings to share information, discuss issues or seek opinions, but not to arrange or organise a factional position.

8.1. Meeting Procedure

The provisions relating to the procedure of the Advisory Board are prescribed in the legislation. In particular:

- a. The Minister will call the first meeting of the Advisory Board.
- b. The Chairperson will preside at the Advisory Board meetings. In the absence of the Chairperson, the meeting will elect another Advisory Board member to the chair.
- c. The person presiding at any meeting of the Advisory Board has a deliberate vote and, in the event of an equality of votes, has a second or casting vote.

- d. A decision supported by the majority of the votes cast at a meeting of the Advisory Board, at which a quorum is present, is the decision of the Advisory Board.
- e. Business may be transacted outside of Advisory Board meetings via the circulation of papers or other means such as via telephone, closed circuit television or email.
- f. Non-members who attend Advisory Board meetings are able to participate to the extent that the Advisory Board determines. Non-members cannot cast a vote at the meetings.

Advisory Board members should endeavour to reach consensus decisions. They may express dissenting views and have these minuted but in the best interests of the Advisory Board, they should defer to the final decision made.

Advisory Board members who seek to represent the views of an organisation may or may not agree with the decisions of the Advisory Board of Multicultural NSW and may seek to have their views minuted. In these situations, it may be appropriate for members to continue to hold these views publicly, however, it is incumbent on Members to clearly articulate that their views are being expressed in another capacity.

The particular responsibilities of Advisory Board members in relation to their obligations and conduct during meetings are provided in Section 5, [Roles and Responsibilities](#), and Section 7, [Code of Conduct](#).

8.2. General Record Keeping

Advisory Board members are accountable for compliance with Multicultural NSW's [Records Management Policy](#), as well as related standards and procedures. Failure to comply with these provisions may constitute a breach of the [NSW State Records Act 1998](#).

Advisory Board members are to work with staff to ensure the following record keeping practices are observed:

- Creating records by documenting official business discussions and decisions made as a result of oral discussions, including telephone discussions, meetings and other events.
- Capturing records into official recordkeeping systems. This means that documents created using electronic devices (for correspondence, presentations, file notes, reports etc) which have become records, must be filed in the records management system.
- Capturing email messages into a file in the records management system, in accordance with user guidelines.
- Handling records sensibly and with care and respect so as to avoid damage to the records and to prolong their life span.

- Not to alienate, relinquish control over, or destroy records of the Advisory Board without authorisation.
- Not to use the records system for personal purposes.

8.3. Recordkeeping of Agenda Papers, Minutes etc

Records essential to the continued functioning of the Advisory Board, which protect the rights and interests of the Advisory Board, employees, clients, stakeholders and the community, must be handled in accordance with the Agency's [Records Management Policy](#) and in line with the [NSW State Records Act 1998](#).

Advisory Board papers and other documents tabled at Advisory Board meetings are official and confidential records. They are to be handled with care and protected from unauthorised access. Advisory Board members are to dispose of these records responsibly or by returning them to the Advisory Board for disposal.

8.4 Privacy

In accordance with the requirements of the [Privacy and Personal Information Protection Act 1998](#) (the 'PIIP Act') and associated [Information Protection Principles](#), the Advisory Board acknowledges and takes seriously its obligations when it collects, retains, uses and discloses personal information. Breaches of privacy may occur through actions as simple as disclosing one Advisory Board member's email address to another person.

- a. **Personal Information** – Any information that relates to an identifiable person. The PIIP Act defines personal information as 'information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion'.
- b. **Information Protection Principles** – There are 12 Information Protection Principles ('IPPs') specified in the PIIP Act. They are legal obligations that describe what NSW Government agencies must do when they handle personal information. The 12 IPPs cover the collection, storage, use and disclosure of personal information as well as access and correction rights. Further information relating to the 12 IPP's are provided at [Appendix 3](#).

8.5 Copyright Issues

The Advisory Board creates and publishes material (commonly known as ‘works’) that is owned by the government and protected by Copyright Law. These works are valuable resources and assets and must be managed effectively to maximise the benefits to the people of New South Wales.

The Advisory Board acknowledges and takes seriously its responsibilities to incorporate specific measures to manage, secure, control and to mitigate risks for the preservation and security of information.

The Advisory Board encourages the availability, dissemination and exchange of public information. Material owned by the Advisory Board may be copied, distributed, displayed, downloaded and otherwise freely dealt with for any purpose, on the condition that the following copyright notice is included ‘© [State of New South Wales through Multicultural NSW](#)’ on all uses.

8.6 Confidentiality

In the course of the Advisory Board’s business, information is given to Advisory Board members so that they can do their jobs. Some of that information may be personal or confidential.

It is important that Advisory Board members know what information should be given to the community. The general rule is that personal or confidential information should not be used for reasons other than the reason for which it was supplied to the Advisory Board. If personal or confidential information is given to other people intentionally or accidentally, it might have serious detrimental consequences.

9. Remuneration and other Financial considerations

Multicultural NSW has been classified as a C3 entity in accordance with the Public Service Commission’s [Classification and Remuneration Framework for NSW Government Advisory Boards and Committees](#).

9.1 Payments to Advisory Board members

An Advisory Board member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine.

9.2 Payments to Public Sector Employees

In line with policy decisions against 'double-dipping', public sector employees appointed to the Advisory Board will not receive remuneration for Advisory Board duties.

The Minister may seek an exemption from this policy from the Public Service Commission in circumstances where a public sector employee serving on the Advisory Board:

- a. Has the approval of their employing agency to sit on the Advisory Board;
- b. Is not acting as a representative of their employer or of the Government;
- c. Works for the Advisory Board outside public service working hours, or takes approved leave without pay; and
- d. There is no conflict of interest arising from the combination of their role as a public sector employee and their role on the Advisory Board.

In all situations it is advisable that Advisory Board members enter into a discussion regarding their obligations as a member of the Advisory Board with their employer, and that they then advise the Advisory Board Secretary, in writing, of any arrangements which have been agreed to so that the appropriate level of remuneration and entitlements can be determined.

9.3 Out of Pocket Expenses

Advisory Board members may be reimbursed for legitimate expenses incurred while carrying out their Advisory Board duties such as travel, accommodation and meals. Advisory Board members may also receive an allowance for the use of a private motor vehicle.

All expenses associated with official Multicultural NSW business should be acquitted as soon as practicable after the expense was incurred, and must be acquitted no later than 30 June for expenses incurred in that financial year.

In relation to out of pocket expenses, the following information is applicable:

- a. Advisory Board members should consider the most cost effective mode of travel when on Multicultural NSW business. Chairpersons of RACs are to request Multicultural NSW staff to book accommodation and airline flights when required.
- b. The official claim form for expenses must be used and completed correctly by the claimant.
- c. In addition to the official claim form, Advisory Board members must also provide receipts for all amounts being claimed. If a receipt is not available, Advisory Board members are to provide a certification of expenses being incurred explaining the details in the claim form.
- d. Parking fees may be claimed when officially representing the Advisory Board at functions or meetings.

- e. Expenses such as tolls etc. shall be refunded where the charge was incurred during approved Advisory Board travel.
- f. Motor vehicles used for approved Advisory Board travel must be comprehensively insured, indemnifying the Crown against loss or damage. Advisory Board members claiming motor vehicle allowances are required to provide a copy of their comprehensive insurance policy to the Advisory Board Secretary. A copy of this policy will be placed on file for reference. Advisory Board members are also required to provide copies of renewed policies when applicable.

10. Services and Programs

The Advisory Board provides strategic advice on the development, implementation and ongoing review of the programs and other initiatives of Multicultural NSW. It is important that Advisory Board members are familiar with these programs to assist in the performance of their duties. Advisory Board members can obtain up-to-date information on community relations from the Multicultural NSW website and will be provided with the necessary documents and reference material to be informed in detail about the activities of the Agency.

Advisory Board members will be informed of all public events organised by Multicultural NSW. In addition, they will be provided opportunities to represent the Agency at community functions and other events.

11. Issue of ID passes and access to premises

Advisory Board members are provided with business cards, identification cards, security passes and any other required material to enable them to access Multicultural NSW's premises upon appointment.

Advisory Board members are to access Multicultural NSW premises for official Multicultural NSW purposes only and are to protect their security passes from loss and/or unauthorised use.

Identification cards, unused business cards and security passes must immediately be handed back to Multicultural NSW at the end of the term of appointment as an Advisory Board member.

12. Miscellaneous Information

12.1 Representation

Advisory Board members may be nominated to represent the Advisory Board on other boards and committees or at functions and events. Requests for such representation are to be addressed directly to the Secretariat of the Advisory Board.

Advisory Board members may receive invitations to be guests at functions or events. This may be through a direct approach to an Advisory Board member or through the Advisory Board. Their participation or response to such an event is a personal choice and they do not represent the Advisory Board.

When Advisory Board member's receive direct requests to represent the Advisory Board at any event, then notification needs to be given to the Secretariat who will assess the request and liaise with the Chief Executive Officer and Chairperson to determine the appropriate representation.

When asked by the Chairperson to represent the Advisory Board, Advisory Board members are to advise the Secretariat of the Advisory Board of their availability. Where necessary, Advisory Board members who represent the Advisory Board at functions and events will be provided with a briefing to assist in the communication of the relevant messages to the community and in the correct protocol of addressing the specific matters of concern.

If an Advisory Board member is invited to represent the Advisory Board at any function and is not able to perform that duty, then the Advisory Board member should notify the Secretariat of the Advisory Board.

12.2 Handling the Media

The Chief Executive Officer in the first instance, and then the Chairperson, are the primary spokespeople for Multicultural NSW. Advisory Board members are ambassadors for the Agency but should take care not to make inappropriate disclosures or misrepresent Multicultural NSW when making public comment.

Public comment includes public speaking engagements, comments in the media, letters to newspapers, and views expressed in books, journal articles, websites and social media.

12.3 Personal Liability

Provisions to protect Advisory Board members from liability, claim or demand are specified in the legislation as follows:

'A matter or thing done by the Advisory Board, by an Advisory Board member of the Advisory Board or by a person acting under the direction of the Advisory Board or an Advisory Board member, does not, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject an Advisory Board member or a person so acting personally to any action, liability, claim or demand.'

12.4 Election to Parliament

Any Advisory Board member who stands for election to the State or Commonwealth Parliament shall seek leave of absence from the Advisory Board from the date the writs are issued until the return of the writs. Any Advisory Board member on such leave of absence shall not act or speak in any way as to suggest that their candidacy carries the endorsement of the Advisory Board. If elected to Parliament, the Advisory Board member will resign from the Advisory Board.

13. Supporting Documentation

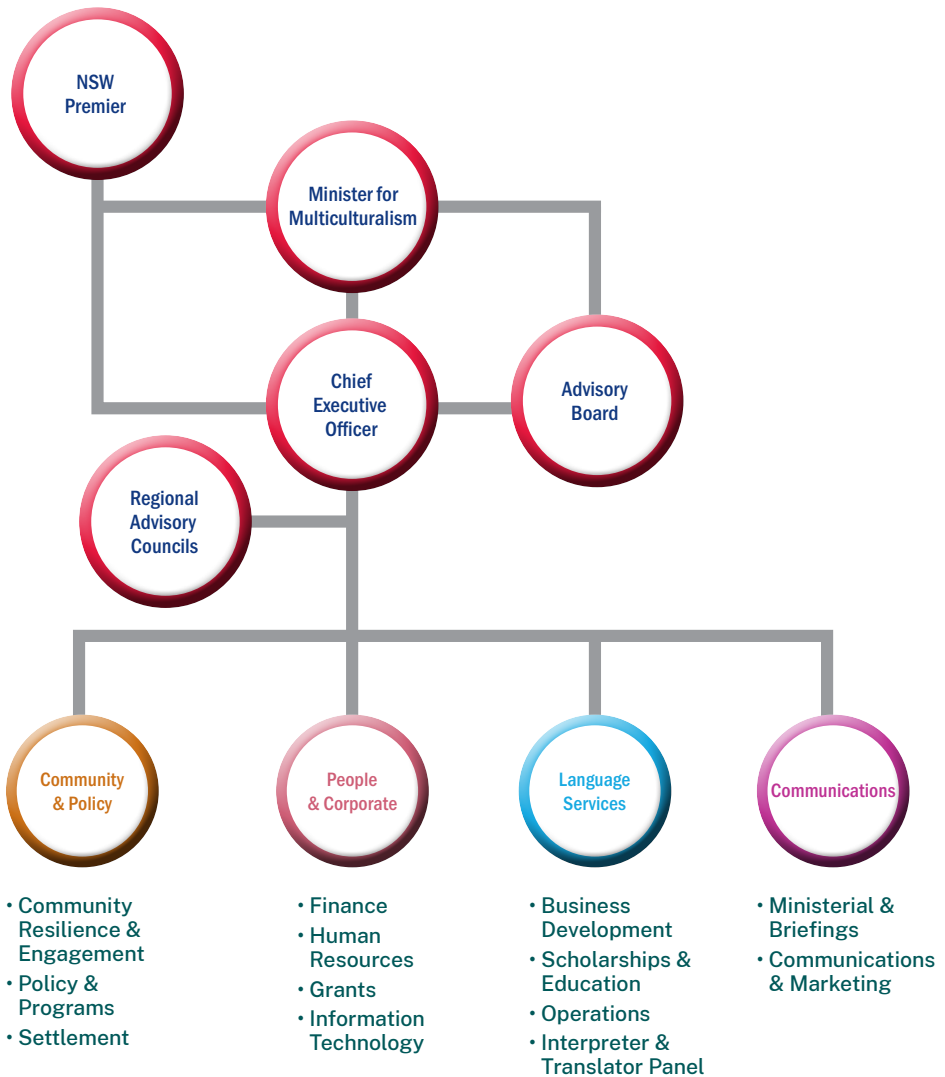
Multicultural NSW Policy	Various Multicultural NSW Policies and Guidelines
NSW Government Policy	<p>NSW Department of Premier and Cabinet - NSW Government Boards and Committees Guidelines (July 2013)</p> <p>NSW Public Service Commission – Appointment Standards Boards and Committees in the NSW Public Sector (July 2013)</p> <p>NSW Public Service Commission – Classification and Remuneration Framework for NSW Government Boards and Committees (February 2019)</p> <p>NSW Government Lobbyist Code of Conduct</p>
Legislation	<p><i>Multicultural NSW Act 2000</i></p> <p><i>Government Sector Employment Act 2013</i></p> <p><i>Independent Commission Against Corruption Act 1988</i></p> <p><i>Public Interest Disclosure Act 1994</i></p> <p><i>NSW State Records Act 1998</i></p> <p><i>Privacy and Personal Information Protection Act 1998</i></p>

14. Contacts

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Website	www.multicultural.nsw.gov.au
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Secretariat email	paul.higgins@multicultural.nsw.gov.au
CEO's phone	(02) 8255 6789
CEO's email	joseph.laposta@multicultural.nsw.gov.au
Language Services Telephone	1300 651 500
Language Services email	languageservices@multicultural.nsw.gov.au
TTY	(02) 8255 6758

Appendix 1

Our Functional Structure



Appendix 2 – IPPs



Information
and privacy
commission
new south wales



Fact Sheet

Updated May 2020

Information Protection Principles (IPPs) for agencies

The 12 Information Protection Principles (IPPs) are your key to the *Privacy and Personal Information Protection Act 1998* (PPPI Act).

General information

There are legal obligations which NSW public sector agencies, statutory bodies, universities and local councils must abide by when they collect, store, use or disclose personal information. As exemptions may apply in some instances, it is therefore suggested you contact the Privacy Contact Officer in your agency or our office for further advice.

Collection

1. Lawful

Only collect personal information for a lawful purpose, which is directly related to the agency's function or activities and necessary for that purpose.

2. Direct

Only collect personal information directly from the person concerned, unless they have authorised collection from someone else, or if the person is under the age of 16 and the information has been provided by a parent or guardian.

3. Open

Inform the person you are collecting the information from why you are collecting it, what you will do with it and who else might see it. Tell the person how they can view and correct their personal information, if the information is required by law or voluntary, and any consequences that may apply if they decide not to provide their information.

4. Relevant

Ensure that the personal information is relevant, accurate, complete, up-to-date and not excessive and that the collection does not unreasonably intrude into the personal affairs of the individual.

Storage

5. Secure

Store personal information securely, keep it no longer than necessary and dispose of it appropriately. It should

also be protected from unauthorised access, use, modification or disclosure.

Access and Accuracy

6. Transparent

Explain to the person what personal information about them is being stored, why it is being used and any rights they have to access it.

7. Accessible

Allow people to access their personal information without excessive delay or expense.

8. Correct

Allow people to update, correct or amend their personal information where necessary.

Use

9. Accurate

Make sure that the personal information is relevant, accurate, up to date and complete before using it.

10. Limited

Only use personal information for the purpose it was collected unless the person has given their consent, or the purpose of use is directly related to the purpose for which it was collected, or to prevent or lessen a serious or imminent threat to any person's health or safety.

Disclosure

11. Restricted

Only disclose personal information with a person's consent or if the person was told at the time that it would be disclosed, if disclosure is directly related to the purpose for which the information was collected and there is no reason to believe the person would object, or the person has been made aware that information of that kind is usually disclosed, or if disclosure is necessary to prevent a serious and imminent threat to any person's health or safety.

Appendix 3 – Core Values

Government Sector Core Values

(Section 7 – Government Sector Employment Act 2013)

The core values for the government sector and the principles that guide their implementation are as follows:

Integrity

- (a) Consider people equally without prejudice or favour.
- (b) Act professionally with honesty, consistency and impartiality.
- (c) Take responsibility for situations, showing leadership and courage.
- (d) Place the public interest over personal interest.

Trust

- (a) Appreciate the difference and welcome learning from others.
- (b) Build relationships based on mutual respect.
- (c) Uphold the law, institutions of government and democratic principles.
- (d) Communicate intentions clearly and invite teamwork and collaboration.
- (e) Provide apolitical and non-partisan advice.

Service

- (a) Provide services fairly with a customer focus on customer needs.
- (b) Be flexible, innovative and reliable in service delivery.
- (c) Engage with the not-for-profit and business sectors to develop and implement service solutions.
- (d) Focus on quality while maximising service delivery.

Accountability

- (a) Recruit and promote employees on merit.
- (b) Take responsibility for decisions and actions.
- (c) Provide transparency to enable public scrutiny.
- (d) Observe standards for safety.
- (e) Be fiscally responsible and focus on efficient, effective and prudent use of resources.



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