

2020

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**ABORIGINAL AND TORRES STRAIT ISLANDER ELECTED BODY AMENDMENT
BILL 2020**

SUPPLEMENTARY EXPLANATORY STATEMENT

**Presented by
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ABORIGINAL AND TORRES STRAIT ISLANDER ELECTED BODY AMENDMENT BILL 2020

INTRODUCTION

On 20 February 2020, the Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2020 (the Bill) was introduced to the Legislative Assembly. The Bill has several purposes, to:

- a) acknowledge the representation and advocacy of ACT Aboriginal and Torres Strait Islander Elected Body (Elected Body) at the national level;
- b) include clauses to enable broadcasting of the annual Elected Body public hearings and establish protection from liability for those who provide broadcasting services;
- c) impose timeframes on the Elected Body's report following its public hearings and consultations processes and shortens the timeframe for the ACT Government to respond;
- d) cover the consequential amendments needed if the Electoral Legislation Amendment Bill 2019 is enacted; and
- e) provide for a 'caretaker period' from the commencement of the Elected Body election.

The explanatory statement accompanying the Bill provides a detailed account of the provisions contained in the Bill and can be accessed at:

https://www.legislation.act.gov.au/View/es/db_61782/current/PDF/db_61782.PDF

This supplementary explanatory statement relates to Government amendments to the Bill (the Government amendments).

CONSISTENCY WITH HUMAN RIGHTS

The Government amendments are minor and consequential and remain supported by Article 3 of the *United Nations Declaration of the Rights of Indigenous People*. The Bill supports the cultural and other rights of Aboriginal and Torres Strait Islander peoples as it protects their right to maintain, control, protect and develop their cultural heritage and knowledge; and to have their material and economic relationships recognised and valued.

CLAUSE NOTES

Clause 2 Commencement

This clause replaces the previous commencement date and provides information about when the provisions commence. The Amendment Act will commence on the day after its notification day.

After Clause 13 Proposed new clauses 13A and 13B

Clause 13A changes the clause numbering under Schedule 1, modification 1.20 from 110A to 110AA – Retention of nomination papers

Clause 13B adds in under Schedule 1, a new modification 120A. This section heading is “Candidate information to be published”. This section provides for information about candidates for an ATSIEB election to be published on the Elections ACT website with the omission of subsection (8), removing the reference to a party candidate.

Clause 17A Proposed new clause 17A

This section updates the ATSIEB Act with current provisions under Section 292 of the Electoral Act and changes the relevance for an ATSIEB election by removing the reference to a registered party within Schedule 1 — [1.84] Dissemination of unauthorised electoral matter.

Section 292 makes it an offence for a person to disseminate electoral material without including the required details about the person authorising the matter.