



Australian Capital Territory

# **Aboriginal and Torres Strait Islander Elected Body Regulation 2017**

**SL2017-34**

made under the

**Aboriginal and Torres Strait Islander Elected Body Act 2008**

**Republication No 1**

**Effective: 30 November 2017 – 30 November 2018**

Republication date: 30 November 2017

Regulation not amended

## About this republication

### The republished law

This is a republication of the *Aboriginal and Torres Strait Islander Elected Body Regulation 2017*, made under the *Aboriginal and Torres Strait Islander Elected Body Act 2008* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 30 November 2017. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



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Australian Capital Territory

# Aboriginal and Torres Strait Islander Elected Body Regulation 2017

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**[Aboriginal and Torres Strait Islander Elected Body Act 2008](#)**

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R1  
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page 1

Effective: 30/11/17-30/11/18

**1 Name of regulation**

This regulation is the *Aboriginal and Torres Strait Islander Elected Body Regulation 2017*.

**3 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

**4 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

**5 Code of conduct for ATSIEB members**

- (1) ATSIEB members must comply with the code of conduct set out in schedule 1.
- (2) The code of conduct does not displace any duty or liability that an ATSIEB member has under a law of the Territory, the Commonwealth or a State in relation to a matter covered by the code.

*Note* *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

**6 Pecuniary and personal interests declaration**

- (1) An ATSIEB member must table a declaration of pecuniary and personal interests—

- (a) at the first meeting of ATSIEB for the ATSIEB term at which the member is present; and
  - (b) if there is a change in the information in the member's pecuniary and personal interests declaration—at the next ATSIEB meeting.
- (2) A pecuniary and personal interests declaration must contain information about—
- (a) the ATSIEB member's current employment; and
  - (b) any body of which the ATSIEB member is a member; and
  - (c) any body in which the ATSIEB member has a financial interest; and
  - (d) the ATSIEB member's directorship of any corporation or organisation.
- (3) ATSIEB must maintain a record of pecuniary and personal interests declarations and make the record available to the Minister.
- (4) An ATSIEB member who has attended a meeting of ATSIEB before this section commences must table a declaration of pecuniary and personal interests within 6 months after its commencement.
- (5) Subsection (4) and this subsection expire 12 months after the day this section commences.

*Note* Transitional provisions are kept in the regulation for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

## **7 Role of ATSIEB chair**

The ATSIEB chair has the following functions:

- (a) to act as a representative of ATSIEB;

- (b) to prepare the agenda for each meeting of ATSIEB in consultation with ATSIEB members.

*Note* The ATSIEB chair has other functions under the Act including:

- calling meetings ([Act](#), s 21)
- presiding at all meeting where the ATSIEB chair is present ([Act](#), s 22 (1))
- allowing an ATSIEB member to take leave ([Act](#), s 20 (2)).

## **8 Role of ATSIEB deputy chair**

The ATSIEB deputy chair has the following functions:

- (a) to act as a representative of ATSIEB; and
- (b) to perform the functions of the ATSIEB chair when the ATSIEB chair is unable to do so.

*Note* The ATSIEB deputy chair also has the function of presiding at ATSIEB meetings when the ATSIEB chair is absent (see [Act](#), s 22 (2)).



## Schedule 1 Code of conduct for ATSIEB members

(see s 5)

### 1.1 Honesty and fairness

- (1) An ATSIEB member must act honestly and fairly in exercising the member's functions under the Act.
- (2) In conducting ATSIEB business, an ATSIEB member must not apply improper influence, favouritism or patronage.

### 1.2 Care and diligence

An ATSIEB member must exercise reasonable care and diligence in exercising the member's functions under the Act, including by—

- (a) attending meetings; and
- (b) participating in discussions; and
- (c) reading papers; and
- (d) raising any concerns.

### 1.3 Conflict of interest

- (1) An ATSIEB member must take all reasonable steps to avoid any actual or perceived conflict of interest in exercising the member's functions under the Act.
- (2) An ATSIEB member must declare a conflict of interest that cannot reasonably be avoided.

*Note* An ATSIEB member must disclose a material interest in an issue being considered by ATSIEB—see the [Act](#), s 27.

**1.4 Respect for privacy and reputation**

- (1) In exercising functions under the Act, an ATSIEB member must respect the dignity and privacy of individual members of the Aboriginal and Torres Strait Islander people living in the ACT.
- (2) An ATSIEB member must consider the rights and reputation of a person before making a statement in relation to the person to another member, the community or the ACT Government.

**1.5 Confidential information**

- (1) An ATSIEB member must not take improper advantage of information gained through being an ATSIEB member.
- (2) An ATSIEB member must not improperly disclose confidential information the member has obtained through being an ATSIEB member.

**Example—improper disclosure**

forwarding an email intended only for the confidential consideration of ATSIEB members to a person who is not an ATSIEB member

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**1.6 Accountability and transparency**

- (1) An ATSIEB member must not improperly use a territory resource.
- (2) An ATSIEB member must use public resources in an open and accountable way.

**1.7 Mutual respect**

- (1) In exercising functions under the Act, an ATSIEB member must treat other members, ACT Government employees and the public professionally and with respect.
- (2) In exercising functions under the Act, an ATSIEB member must not bully, harass or intimidate anyone.

**1.8 Accessibility**

- (1) An ATSIEB member must ensure that the member is reasonably accessible to the Aboriginal and Torres Strait Islander people of the ACT.
- (2) An ATSIEB member must conscientiously represent the interests of Aboriginal and Torres Strait Islander people of the ACT.

**1.9 ATSIEB chair**

The ATSIEB chair must perform the chair's functions under the Act in a way that—

- (a) encourages ATSIEB to make decisions; and
- (b) encourages all ATSIEB members to participate in discussions; and
- (c) ensures that discussions are fair and open; and
- (d) maintains a constructive working relationship with government agencies and other stakeholders.

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACT
- body
- Commonwealth
- in relation to
- law
- Minister (see s 162)
- must (see s 146)
- person (see s 160)
- State.

*Note 3* Terms used in this regulation have the same meaning that they have in the [Aboriginal and Torres Strait Islander Elected Body Act 2008](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Aboriginal and Torres Strait Islander Elected Body Act 2008](#), dict:

- ATSIEB
- ATSIEB chair
- ATSIEB deputy chair
- ATSIEB member
- ATSIEB term.

***code of conduct*** means the code of conduct set out in schedule 1.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Aboriginal and Torres Strait Islander Elected Body Regulation 2017 SL2017-34**

notified LR 29 November 2017

s 1, s 2 commenced 29 November 2017 (LA s 75 (1))

remainder commenced 30 November 2017 (s 2)

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

#### **Pecuniary and personal interests declaration**

s 6 s (4), (5) exp 30 November 2018 (s 6 (5))

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