

1996

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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

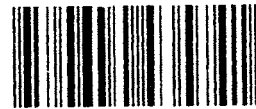
SENATE

ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION  
AMENDMENT BILL 1996

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Further amendments to be moved on behalf of the Government

(Circulated by the authority of the Minister for Aboriginal and Torres Strait Islander  
Affairs Senator the Hon Dr John Herron)



ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION  
AMENDMENT BILL 1996

Further amendments to be moved on behalf of the Government

OUTLINE

The further amendments proposed to be made to the *Aboriginal and Torres Strait Islander Commission Bill 1996* are :-

- For the period commencing immediately after the 1999 round of Regional Council elections the amendments provide that the constitution of the Commission will consist of 17 elected Commissioners.
- The Minister, where he is of the opinion that the number of members of a particular Regional Council is insufficient to enable the Council properly to perform its functions is to have power to appoint additional persons to be Regional Councillors.

FINANCIAL IMPACT STATEMENT

The financial impact of the proposed amendments to the Bill is expected to be negligible.

## NOTES ON PROPOSED AMENDMENTS TO THE BILL

### Amendment No (1)

This amendment adds a new clause (3) at the end of clause (2). This amendment provides that the new Schedule 3 to the Bill commences when the Minister appoints a person as Commissioner after the person has been elected in the 1999 round of Regional Council elections.

### Amendment No (2)

This amendment inserts items 30B and 30C into Schedule 1 of the Bill.

Item 30B is consequential upon item 30C.

Item 30C adds a new section 116. Section 116 provides that if the Minister is of the opinion that the number of members of a particular Regional Council is insufficient to enable the Council to properly perform its functions the Minister may appoint additional persons to be members of the Regional Council. The section also contains associated administrative provisions relating to qualification for appointment, term of office and casual vacancies.

### Amendment No (3)

This amendment adds a new Schedule 3 to the Bill.

Item 1 provides that **Commission Chairperson** means the Chairperson of the Commission elected under section 31A.

Items 2 and 3 repeal the definition of **elected Commissioner** and **non-elected Commissioner** respectively.

Item 4 repeals section 27 and substitutes a new section 27. The new section 27 provides that the Commission consists of 17 members appointed by the Minister who are to be the persons elected to represent the several zones.

Item 5 inserts a new section 31A into the Act. Section 31A provides for election of the Commission Chairperson.

Item 6 repeals subsection 33(1) and substitutes a new subsection which provides for the term of office of Commission Chairperson.

Item 7 repeals subsection 33(1C) which relates to the term of office of the non-elected Commissioner. The amendment is consequential on item 4.

Item 8 amends paragraph 36(1)(a). This is consequential upon item 4.

Item 9 repeals subsections 36(4) and (5) which relate to acting appointments of non-elected Commissioners. This is consequential upon item 4.

Items 10 to 12 make other amendments which are consequential upon item 4.

Items 13 to 15 make amendments to the provisions relating to Commission meetings. These amendments are consequential upon item 4.

Item 16 is consequential upon item 4

for the period from date of Assent to the 1999 round of Regional Council elections provide for the constitution of the Commission as follows:

the Commission consists of a Chairperson and 18 other members all appointed by the Minister;

the 17 persons elected under Division 7 of Part 3 to represent the various zones must be appointed by the Minister as members of the Commission;

the Minister may appoint one of those 17 persons, or some other person, to be the Chairperson;

if the Minister chooses one of the 17 elected zone Commissioners to be Chairperson, then there will be a casual vacancy in the office of the zone Commissioner who is appointed as Chairperson. A zone by-election will be held and the person elected to fill the vacancy will also be appointed as a member of the Commission; and

one other person will be chosen and appointed by the Minister to be a member of the Commission.

The *ATSIC Amendment Act (No.3) 1993* which came into effect on 1 July 1996 provided for a Commission of only 17 elected Commissioners. Item 2 of Schedule 2 of the Bill seeks to restore the number of members of the Commission to 19 as it was before *ATSIC Amendment Act (No.3) 1993* came into effect. Essentially the proposed amendments to the Bill are to provide that if the Minister appoints a person who is an elected Commissioner as the Chairperson the person ceases to hold office as elected Commissioner (this will result in a casual vacancy in the office of the elected Commissioner) and to specify how the constitution of the Commission will be affected in such circumstances.

