

2012

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**ABORIGINAL AND TORRES STRAIT ISLANDER ELECTED BODY
AMENDMENT BILL 2012**

EXPLANATORY STATEMENT

**Presented by
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Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2012

Explanatory Statement

Outline and Introduction

The *Aboriginal and Torres Strait Islander Elected Body Act (ACT) 2008* was tabled in the ACT Legislative Assembly on 14 May 2008.

After the most recent Aboriginal and Torres Strait Islander Elected Body elections, Elections ACT recommended amendments to the *Aboriginal and Torres Strait Islander Elected Body Act (ACT) 2008* to bring the Act in line with the *Electoral Act 1992* and to allow declared candidates for positions on the Aboriginal and Torres Strait Islander Elected Body to effectively promote their candidature.

Notes on Clauses

Clause 1 Name of Act

This Bill, once enacted, will be known as *Aboriginal and Torres Strait Islander Elected Body Amendment Act 2012*.

Clause 2 Commencement

This Act commences on the day after its notification day.

Clause 3 Legislation amended.

This Act amends the *Aboriginal and Torres Strait Islander Elected Body Act 2008*.

Clause 4 ATSIEB Members – Section 14 (2) and note

Clause 4 amends section 14 (2) and provides clarification on the period that each member will hold their office. It is the formalisation of current practise.

Clause 5 Definitions – pt 3 – Section 28, definition of nomination close day

Clause 5 amends section 28 and provides for the definition of nomination close day in line with the subsequent change to Election Timeline.

Clause 6 Timetable for ATSIEB elections – Table 29 and example

Clause 6 amends the election timeline in section 29, table 29 to a polling period later in the year to coincide with NAIDOC Week. Aligning the Aboriginal and Torres Strait Islander Elected Body election with NAIDOC Week allows for more effective promotion of the Aboriginal and Torres Strait Islander Elected Body election and candidates through concurrent NAIDOC Week activities. This amends section 29, table 29, item 2, item 6 and the example given at the bottom of the table.

The changes to the election timeline in section 29, table 29 also provides an extended campaign period for nominated candidates which will allow candidates to promote their candidacy to electors. It has the flow on effect of promoting the

Aboriginal and Torres Strait Islander Elected Body election with other members of the Aboriginal and Torres Strait Islander community who may not have yet enrolled as electors. This amends section 29, table 29, item 1, item 3 and item 4 and section 28, definition of nomination close day.

**Clause 7 Modifications of Electoral Act as applied to ATSIEB Elections -
Schedule 1 modification 1.42, substituted section 134A (5)**

Clause 7 amendment provides for the substitution of '*claimant's*' in place of '*applicant's*'. This change in terminology brings the *Aboriginal and Torres Strait Islander Elected Body Act 2008* into line with the *Electoral Act 1992*.