

2014

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**ABORIGINAL AND TORRES STRAIT ISLANDER ELECTED BODY AMENDMENT
BILL 2014**

EXPLANATORY STATEMENT

**Presented by
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Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2014

Introduction and Outline

The *Aboriginal and Torres Strait Islander Elected Body Act (ACT) 2008* was tabled in the ACT Legislative Assembly on 14 May 2008. This Explanatory Statement relates to the *Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2014* (the Bill) as presented in the Legislative Assembly

The purpose of this Bill is to make minor amendments to the *Aboriginal and Torres Strait Islander Elected Body Act 2008* (the Act) that will allow the Aboriginal and Torres Strait Islander Elected Body election polling to commence on the first day of NAIDOC celebrations in the ACT. In an effort to reduce overregulation and the potential need to amend the Act again in the future the Bill also allows the Minister the necessary authority to identifying the day of the ATSIEB elections and the commencement of polling via a Notifiable Instrument.

The Bill also makes a number of technical changes including changing the election table to be in chronological order rather than alphabetical.

Amendments

Clause 1 Name of the Act

This is a technical clause and sets out the name of the new Act as the *Aboriginal and Torres Strait Islander Elected Body Amendment Act 2014*.

Clause 2 Commencement

This clause enables the new Act to commence on a day after its notification day.

Clause 3 Legislation amended

This clause identifies the Act to be amended is the *Aboriginal and Torres Strait Islander Elected Body Act 2008*.

Clause 4 Definitions—pt 3 Section 28, definitions

This is a technical clause which removes current definitions that are subsequently replaced in the dictionary in clauses 8 through 10.

Clause 5 Timetable for ATSIEB elections Table 29

This modifies the table to define the dates for the election, removing all references to months and all timeframes working back or forward of the polling start date. The Election will always commence on a Monday and polling on a Saturday.

Clause 6 New section 29A

This clause allows the Minister to set the polling start day with the insertion of an additional clause (29A). If there is a need to amend the Act in the near future, it provides the Minister with the necessary authority to set the polling start day of the Elected Body elections and the commencement of polling each year an election is held via a Notifiable Instrument. The election will always be three years after the last election.

Clause 7 **Modifications of Electoral Act as applied to ATSIEB elections**
Schedule 1, modification 1.4, section 80 (1A) (a)

omit

Wednesday in April

substitute

Monday

This allows the roll for an ATSIEB election to be closed on a Monday rather than the Wednesday to ensure that it is 12 days before the polling start day.

Clause 8 **Dictionary, definition of *hour of nomination***

This clause defines the meaning of *hour of nomination*.

Clause 9 **Dictionary, definition of *nomination close day***

This clause defines the meaning of *nomination close day*.

Clause 10 **Dictionary, definition of *nominee***

This clause defines the meaning of *nominee*.

Clause 11 **Dictionary, definition of *pre-election period***

This clause defines the meaning of *pre-election period*.