

From: [LA Committees](#)
To: [Julia Knight](#)
Subject: Legislative Assembly of the Australian Capital Territory - Submission
Date: Thursday, 24 August 2023 7:56:05 AM
Attachments: [image002.png](#)
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From: Duncan, Tom <Tom.Duncan@parliament.act.gov.au>
Sent: Wednesday, 23 August 2023 4:38 PM
To: LA Committees <LA.Committees@nt.gov.au>
Cc: Italiano, Celeste <Celeste.Italiano@parliament.act.gov.au>
Subject: FW: Call for Submissions

OFFICIAL

Dear Ms Knight

Thank you for the invitation to contribute to the Legal and Constitutional Affairs Committee inquiry into a process to Review Bills for their impact on First Nations Territorians.

I offer the following information in relation to your inquiry.

Comment on your Discussion paper

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In the short discussion paper issued for the inquiry which provides an overview of legislative review currently in place in Australasia, reference is made at paragraph 2.18 of the practice that exists in the Australian Capital Legislative Assembly whereby all Bills stand referred to the relevant standing committee for inquiry and report following their introduction in the Assembly. Later in that paragraph it is stated that, unlike Queensland and New Zealand, the committees do not inquire into or comment on the policy objectives of the legislation. Whilst this is correct in relation to the Standing Committee on Justice and Community Safety (Legislative Scrutiny) Committee, that is not the case for the other general purpose standing committees. Whilst the Legislative Scrutiny Committee will examine matters in relation to human rights, trespassing on personal rights and liberties etc, the general-purpose standing committees are able to comment and make recommendations on any Bill that they determine should be inquired into.

Can I also point out that the Standing Committee on Administration and Procedure is currently conducting a review of Standing Orders and Continuing Resolutions of the Assembly, and one of the matters being considered is whether two months is an adequate amount of time for an inquiry into a Bill to be undertaken.

Aboriginal and Torres Strait Islander Elected Body (ATSIEB)

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The Committee may be interested to know that in 2008 the Assembly passed the *Aboriginal and Torres Strait Islander Elected Body Act 2008*, and that body has been in existence since the passage and commencement of that law. I have reprinted below from the explanatory statement to the Bill the purpose and objects of the bill:

Overview of Bill

The main purpose of this Bill is to establish the ACT Aboriginal and Torres Strait Islander Elected Body. Its goal is to ensure maximum participation by Aboriginal and Torres Strait Islander People in the ACT in the formulation, co-ordination and implementation of government policies that affect them.

In October 2004 following the Commonwealth abolition of ATSIC, the Minister for Indigenous Affairs announced support for the establishment of a democratically elected Aboriginal and Torres Strait Islander representative body for the ACT. In 2006 the Aboriginal and Torres Strait Islander Community Consultative Council held a series of consultations with the local Aboriginal and Torres Strait Islander community on the structure of a possible representative body.

The Elected Body will have seven Members elected every three years and there will be a requirement in the Act for the Elected Body to consult with and to consider the views of the United Ngunnawal Elders Council.

To be eligible to vote, or to nominate or be nominated as a candidate, one must be an Aboriginal or Torres Strait Islander person (self-declaration), 18 years or over, and on the ACT Electoral Roll or eligible to be on it by having resided within the boundaries of the ACT for one month.

Voting can be through postal or attendance ballots but will not be compulsory.

The ACT Aboriginal and Torres Strait Islander Elected Body will be required to meet at least six times per year. Its functions will be:

- To receive, and pass on to the Minister, the views of Aboriginal People and Torres Strait Islanders living in the ACT on issues of concern;
- To represent Aboriginal People and Torres Strait Islanders living in the ACT and to act as an advocate for their interests;
- To conduct regular forums for Aboriginal People and Torres Strait Islanders living in the ACT and report the outcomes of those forums to the Minister;
- To conduct research and community consultation to assist the Elected Body in the exercise of its functions;

- To propose programs and design services for Aboriginal People and Torres Strait Islanders living in the ACT for consideration by the government and its agencies;
- To monitor and report on the effectiveness of programs conducted by government agencies for Aboriginal People and Torres Strait Islanders living in the ACT;
- To monitor and report on the accessibility by Aboriginal People and Torres Strait Islanders living in the ACT to programs and services conducted by government agencies for the general public; and
- In consultation with the United Ngunnawal Elders Council, to recommend any reasonable action it considers necessary to protect Aboriginal and Torres Strait Islander cultural material or information considered sacred or significant by Aboriginal People and Torres Strait Islanders living in the ACT.

You may wish to consult with the Secretariat for that body who I envisage would have some useful points to make on the matters raised in your discussion paper. The contact details of the body are:

ACT Aboriginal and Torres Strait Islander Elected Body
c/- Secretariat
Community Services Directorate
GPO Box 158
CANBERRA ACT 2601

atsieb@act.gov.au

Happy to elaborate on any of the above information.

Kind regards

Tom Duncan

Clerk of the Legislative Assembly

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