

Statement of Compatibility with Human Rights

Prepared in accordance with the Thirteenth Assembly Sessional Orders (part 12.3) as adopted on 24 August 2017.

Treaty Commissioner Bill 2020

Serial No. XX

The Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth).

1 Overview of the Bill

The primary purposes of this Bill are twofold. Firstly, to implement the Memorandum of Understanding signed between the Northern Territory Government and the four Land Councils at Barunga in June 2018 (now known as the Barunga Agreement). Secondly, to implement the key undertaking made in the Barunga Agreement to make the appointment of the Northern Territory Treaty Commissioner a statutory appointment.

In addition to fulfilling these two initiatives, the Bill details the administrative other arrangements that surround the Treaty Commissioner's statutory appointment. Some of these arrangements are contained in the Barunga Agreement whilst others are specific to the Bill. These areas include:

- Establishing the Office of the Treaty Commissioner.
- Requiring the Treaty Commissioner and staff to act impartially and independently.
- Detailing the eligibility criteria for the Treaty Commissioner.
- Confirming the Treaty Commissioner's term of appointment as being for three years.
- Listing the Treaty Commissioner's functions, powers and reporting obligations.
- Detailing other ancillary matters including:
 - how a vacancy of office can occur;
 - a resignation clause;
 - events that could give rise to suspension or termination;
 - the ability to grant a leave of absence; and
 - the circumstances under which an Acting Treaty Commissioner can be appointed.
- Describing how the current consultancy engagement will transition to the statutory appointment.

2 Human Rights Implications

The Bill merely sets up a process that will lead to a final report with recommendations. It does not change or impact any existing rights or obligations.

3 Conclusion

The Bill is compatible with and supportive of all human rights as outlined in the seven international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth).