

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION  
AMENDMENT BILL 1994

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be Moved on behalf of the  
Government

(Circulated by the authority of the Minister for Aboriginal and Torres  
Strait Islander Affairs)

# Aboriginal and Torres Strait Islander Commission Amendment Bill 1994 - Amendments and New Clauses to be Moved on behalf of the Government

## OUTLINE

Under the Aboriginal and Torres Strait Islander Commission Act 1989 (the Act) (as amended by the Aboriginal and Torres Strait Islander Amendment Act 1993 No 3) there are three methods as at 1 July 1994 in which the Torres Strait Regional Authority (TSRA) may be constituted.

1. by persons elected to represent the TSRA under Division 5 of Part 3A; or
2. If the Minister makes a declaration under s 142S - by persons already elected under Queensland legislation to represent particular communities;
3. A combination of method 2 and an election under the Act of persons to represent the TRSA.

Under the Act as at 1 July 1994 the maximum number of persons constituting the TSRA under any method is 20.

These amendments to the Bill are designed to empower the Minister in effect to allow extra persons to be elected to the TSRA to represent particular communities in the Torres Strait Area under any method but not so as to increase the number of members beyond 23. The exercise of this power is to be subject to Parliamentary disallowance.

## FINANCIAL IMPACT STATEMENT

The financial impact of the Amendments will be minimal.

## **NOTES ON AMENDMENTS**

### **Amendment 1 - Definition of Eligible Number**

This amendment is a formal amendment consequential upon Amendment no 3.

### **Amendment 2 - Definition of eligible number**

Currently under Schedule 2 to the Aboriginal and Torres Strait Islander Commission Amendment Act (No 3 ) eligible number means 20. This amendment substitutes a new definition of eligible number which is defined as 20 or if a notice under subsection 142R(1A) is in force - the number fixed by the notice.

### **Amendment 3 - Constitution of TSRA - Minister may determine manner of representation on TSRA**

Section 142R provides that the TSRA consists of the eligible number (20) of members. This amendment amends s 142R by inserting subsections 1A, 1B, and 1C to empower the Minister to fix the eligible number for the TSRA by notice in the Gazette. The number so fixed must be at least 20 and no more than 23. The notice is a disallowable instrument under section 46A of the Acts Interpretation Act 1901.

Section 142S empowers the Minister to issue a notice determining that the TSRA consists of persons elected to represent particular communities under Queensland legislation. This technical amendment amends s 142S by inserting a new subsection 3A to empower the Minister to amend an existing s 142S notice (where he has changed the eligible number under s 142R) so that the number of members equals the eligible number.

### **Amendments 4 to 7 inclusive - TSRA Wards**

These amendments to the Bill are formal consequential upon Amendment no 3 but also have the effect of ensuring that a ward system is in place for any election of members to the TSRA.

### **Amendments 8 and 9 - Term of Office of Members of the TSRA**

Section 142W provides for the term of office of members of the TSRA. Clause 16 of the Bill would make amendments to s 142w consequential on provision being made for wards in TSRA elections. These amendments are formal amendments consequential upon Amendment 3 to ensure that clause 16 takes account of the possibility that an election may be required when the Minister exercises his powers under Amendment 3 to provide for extra TSRA members.

## **Amendment 10 - Rules for Conduct of Elections**

This amendment to the Bill is formal consequential upon Amendment no 3 to ensure that Rules for conduct of elections take account of changes under Amendment 3 to the number of TSRA members.

## **Amendment 11 - Members taken to have resigned from TSRA in certain circumstances**

This amendment effects a technical correction to ensure that a member of the TSRA who holds office under s 142S (2)(b) and who ceases to live in the Torres Strait area may be deemed by the TSRA to have resigned. This brings such a member into line with members holding office under s 142S (2)(a).

