



Aboriginal and Torres Strait Islander Commission Amendment Act (No. 2) 1993

No. 37 of 1993

TABLE OF PROVISIONS

PART 1—PRELIMINARY

Section

1. Short title etc.
2. Commencement

PART 2—AMENDMENT TO INSERT A DEFINITION OF “REGIONAL COUNCILLOR”

3. Interpretation

PART 3—AMENDMENTS RELATING TO REGIONAL COUNCIL ADVISORY COMMITTEES

4. Advisory committees
5. Insertion of new sections:
 - 96A. Advisory committee—disclosure of interests at meetings
 - 96B. Advisory committee—member’s appointment to be terminated for non-disclosure of interests
 - 96C. Advisory committee—resignation
6. Application of amendments

PART 4—AMENDMENTS RELATING TO WARDS

7. Interpretation
8. Insertion of new section:
 - 100A. Regional Council wards
9. Persons entitled to vote at Regional Council elections
10. Persons qualified to be elected to Regional Councils
11. Polling places

TABLE OF PROVISIONS—*continued*

Section

- 12. Fixing of election days, and location of polling places, to be notified in *Gazette*
- 13. Repeal of section and substitution of new section:
 - 107. Effect of nominations
- 14. Counting of votes and election of candidates
- 15. Rules for conduct of elections
- 16. Constitution of Regional Councils
- 17. Persons taken to have resigned from Regional Councils in certain circumstances
- 18. Schedule 2
- 19. Insertion of new Schedule :

SCHEDULE 2A

METHOD OF DETERMINING THE SUCCESSFUL CANDIDATE AT AN
ELECTION FOR A SINGLE MEMBER FOR A REGIONAL COUNCIL
WARD

- 20. Application of amendments

PART 5—AMENDMENTS RELATING TO REGIONAL COUNCILS

- 21. Interpretation
- 22. Persons qualified to be elected to Regional Councils
- 23. Disclosure of interests
- 24. Persons taken to have resigned from Regional Councils in certain circumstances
- 25. Persons cease to be members of Regional Councils in certain circumstances
- 26. Insertion of new sections:
 - 122A. Suspension and removal from office of Regional Councillor
 - 122B. Regional Council may recommend that action be taken against Regional Councillor
- 27. Chairperson and Deputy Chairperson
- 28. Suspension and removal from office of Chairpersons
- 29. Insertion of new sections:
 - 127E. Term of office of Deputy Chairperson
 - 127F. Resignation of Deputy Chairperson
 - 127G. Suspension and removal from office of Deputy Chairperson
 - 127H. Acting appointments
 - 127J. Alternate Deputy Chairperson
- 30. Meetings of Regional Councils
- 31. Regulations
- 32. Application of amendments

PART 6—AMENDMENTS RELATING TO THE TORRES STRAIT
REGIONAL COUNCIL

- 33. Insertion of new section:
 - 104A. Election for Torres Strait Regional Council deferred from 1993 to 1994

PART 7—AMENDMENTS RELATING TO THE REMUNERATION AND
ALLOWANCES PAYABLE TO CERTAIN OFFICE HOLDERS

- 34. Insertion of new section:
 - 194A. Global limit on remuneration and allowances payable to certain office holders

TABLE OF PROVISIONS—*continued*

Section

**PART 8—AMENDMENTS RELATING TO THE MEANING OF
“MISBEHAVIOUR”**

- 35. Interpretation
- 36. Insertion of new section:
 - 4A. Minister may make determinations about what constitutes misbehaviour

**PART 9—AMENDMENTS TO SUBSTITUTE A NEW SCHEDULE 1
(ZONES AND REGIONS)**

- 37. Repeal of Schedule and substitution of new Schedule:

**SCHEDULE 1
ZONES AND REGIONS**

- 38. Application of amendments

**PART 10—TRANSITIONAL PROVISIONS RELATING TO THE
REPLACEMENT OF 59 ORIGINAL REGIONAL COUNCILS BY 35 NEW
REGIONAL COUNCILS**

- 39. This Part does not apply to Torres Strait Regional Council
- 40. Object of Part
- 41. Definitions
- 42. Minister may make transitional determinations



Aboriginal and Torres Strait Islander Commission Amendment Act (No. 2) 1993

No. 37 of 1993

An Act to amend the *Aboriginal and Torres Strait Islander Commission Act 1989*, and for related purposes

[Assented to 20 September 1993]

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title etc.

5 **1.(1)** This Act may be cited as the *Aboriginal and Torres Strait Islander Commission Amendment Act (No. 2) 1993*.

(2) In this Act, “**Principal Act**” means the *Aboriginal and Torres Strait Islander Commission Act 1989*¹.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

**PART 2—AMENDMENT TO INSERT A DEFINITION OF
“REGIONAL COUNCILLOR”**

Interpretation

3. Section 4 of the Principal Act is amended by inserting in subsection (1) the following definition:

“ ‘**Regional Councillor**’ means a member of a Regional Council;”.

**PART 3—AMENDMENTS RELATING TO REGIONAL COUNCIL
ADVISORY COMMITTEES**

Advisory committees

4. Section 96 of the Principal Act is amended by adding at the end the following subsections:

“(3) A member of an advisory committee is entitled to remuneration and allowances in accordance with section 194.

“(4) A member of an advisory committee holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Commission by notice published in the *Gazette*.”.

Insertion of new sections

5. After section 96 of the Principal Act the following sections are inserted:

Advisory committee—disclosure of interests at meetings

“96A.(1) A member of an advisory committee established under section 96 who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the committee must, as soon as possible after the relevant facts have come to the member’s knowledge, disclose the nature of the interest at a meeting of the committee.

“(2) A disclosure under subsection (1) must be recorded in the minutes of the meeting of the committee.

Advisory committee—member’s appointment to be terminated for non-disclosure of interests

“96B.(1) This section applies to an advisory committee established under section 96 by a Regional Council.

“(2) The Regional Council must terminate the appointment of a member of the committee if the member fails, without reasonable excuse, to comply with section 96A.