

ATSIC (Regional Councils - Election of Officeholders) Regulations (Amendment) 1996 No. 247

EXPLANATORY STATEMENT

STATUTORY RULES 1996 No. 247

Issued by the Authority of the Minister for Aboriginal and Torres Strait Islander Affairs

Aboriginal and Torres Strait Islander Commission Act 1989

ATSIC (Regional Councils - Election of Officeholders) Regulations (Amendment)

This amendment to the Regulations was made under section 201 of *Aboriginal and Torres Strait Islander Commission 1989* (the Act). Section 201 of the Act empowers the Governor-General to make regulations required or permitted by the Act to be prescribed.

Sections 127 and 127J of the Act empower an ATSIC Regional Council to elect Officeholders for the positions of Chairperson, Deputy Chairperson and Alternate Deputy Chairperson. Subsection 201(2) provides that regulations made by the Governor-General may regulate these elections. The ATSIC (Regional Councils Election of Officeholders) Regulations (the Officeholders Regulations) prescribe the manner of election of Chairpersons, Deputy Chairpersons and Alternate Deputy Chairpersons of ATSIC Regional Councils.

The purpose of the Regulations is to address issues raised by the Australian Electoral Commission following the last round of Regional Council Officeholders elections.

Details of the Regulations are as follows:

Regulation 1 of the Amendment provides that these Regulations amend the ATSIC (Regional Councils - Election of Officeholders) Regulations.

Regulation 2 of the Amendment amends the definition of "returning officer" to allow the Regional Manager for which the Regional Council is established to nominate a person to be returning officer.

Regulation 3 of the Amendment amends Regulation 7 to enable and require that when nominations are called for officeholder elections the members of the Regional Council are provided with a list of the names and addresses of the Regional Council members.

Regulation 4 amends Regulation 14 to require the returning officer to mark a member's name off a list of the members of the Regional Council when a ballot paper is given to that member.

Regulation 5 of the Amendment amends Regulation 16 to allow the returning officer to open the ballot box and conduct the count as soon as voting has been completed and to enable voters as well as scrutineers to attend the count.

Regulation 6 of the Amendment amends Regulation 21 to enable a vacancy in the office of Deputy Chairperson to be filled at the same meeting as that at which the vacancy occurs, should the Deputy Chairperson be elected to the office of Chairperson.

Regulation 7 of the Amendment amends Regulation 22 to enable vacancies in the office of alternate Deputy Chairperson to be filled at the same meeting as that at which the vacancy occurs, should the alternate Deputy Chairperson be elected to the office of Deputy Chairperson.

Regulation 8 of the Amendment amends Regulation 23 to correct an error by substituting 'paragraph 18(1)(a)' for 'paragraph 17(1)(a)'.

The Regulations commenced on Gazettal.