



**Australian Institute of Aboriginal and
Torres Strait Islander Studies
Amendment Act 2016**

No. 6, 2016

***An Act to amend the *Australian Institute of
Aboriginal and Torres Strait Islander Studies Act
1989*, and for related purposes***

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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**An Act to amend the *Australian Institute of
Aboriginal and Torres Strait Islander Studies Act
1989*, and for related purposes**

[Assented to 11 February 2016]

The Parliament of Australia enacts:

No. 6, 2016

*Australian Institute of Aboriginal and Torres Strait Islander Studies
Amendment Act 2016*

1

1 Short title

This Act may be cited as the *Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Act 2016*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	12 February 2016

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989

1 Section 3 (definition of *Aboriginal and Torres Strait Islander studies*)

Repeal the definition.

2 Section 3 (definition of *appointed Councillor*)

Omit “12(1)(b) or (c)”, substitute “12(1)(c)”.

3 Section 3

Insert:

Chief Executive Officer means the Chief Executive Officer of the Institute referred to in section 24.

4 Section 3 (at the end of the definition of *elected Councillor*)

Add “or (b)”.

5 Section 3 (definition of *Principal*)

Repeal the definition.

6 Section 3 (definition of *Research Advisory Committee*)

Repeal the definition.

7 Paragraphs 5(a) to (h)

Repeal the paragraphs, substitute:

- (a) to develop, preserve and provide access to a national collection of Aboriginal and Torres Strait Islander culture and heritage;
- (b) to use that national collection to strengthen and promote knowledge and understanding of Aboriginal and Torres Strait Islander culture and heritage;
- (c) to provide leadership in the fields of:

- (i) Aboriginal and Torres Strait Islander research; and
- (ii) ethics and protocols for research, and other activities relating to collections, related to Aboriginal and Torres Strait Islander peoples; and
- (iii) use (including use for research) of that national collection and other collections containing Aboriginal and Torres Strait Islander culture and heritage;
- (d) to lead and promote collaborations and partnerships among the academic, research, non-government, business and government sectors and Aboriginal and Torres Strait Islander peoples in support of the other functions of the Institute;
- (e) to provide advice to the Commonwealth on the situation and status of Aboriginal and Torres Strait Islander culture and heritage.

8 Subsection 7(1)

Repeal the subsection, substitute:

- (1) Subject to this Part, the members of the Institute are persons appointed by the Council as members.

9 At the end of paragraph 7(2)(a)

Add “and”.

10 Paragraph 7(2)(b)

Omit “studies;”, substitute “culture and heritage.”.

11 Paragraphs 7(2)(c) and (d)

Repeal the paragraphs.

12 Application and transitional provisions for members

- (1) The amendments of section 7 of the *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989* made by this Schedule apply to the making of appointments of membership of the Institute on or after the commencement of the amendments, as a result of applications for membership made before, on or after that commencement.

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- (2) The repeal and substitution of subsection 7(1) of the *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989* by this Schedule do not affect the continuity of membership on or after the commencement of this Schedule of a person who was a member immediately before that commencement.

13 Subsections 8(1) and (2)

Repeal the subsections, substitute:

- (1) An appointment of a person as a member of the Institute is for 5 years.

14 Sections 9 and 10

Omit “Principal”, substitute “Chief Executive Officer”.

15 Saving of register of members

The amendment of section 10 of the *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989* made by this Schedule does not affect the continuity of the register kept under that section.

16 Paragraphs 12(1)(a), (b) and (c)

Repeal the paragraphs, substitute:

- (a) 2 persons who:
- (i) are members of the Institute; and
 - (ii) are Aboriginal persons or Torres Strait Islanders; and
 - (iii) are elected by the members of the Institute in accordance with the Institute rules;
- (b) 2 other persons who:
- (i) are members of the Institute; and
 - (ii) may or may not be Aboriginal persons or Torres Strait Islanders; and
 - (iii) are elected by the members of the Institute in accordance with the Institute rules;
- (c) 5 other persons who are appointed by the Minister and each of whom has skills or experience in one or more of the following:
- (i) cultural material conservation;
 - (ii) collection management;

- (iii) research;
- (iv) fundraising;
- (v) finance;
- (vi) business;
- (vii) law.

17 After subsection 12(1)

Insert:

- (1A) In making one or more appointments, the Minister must ensure that, immediately following the appointments (and taking into account the characteristics of all the elected Councillors and appointed Councillors at that time):
- (a) at least 5 of the Councillors are Aboriginal persons or Torres Strait Islanders; and
 - (b) at least one of the Councillors is a Torres Strait Islander.
- (1B) A person cannot be elected or appointed as a Councillor for a term that starts immediately after the end of 2 consecutive terms of office of the person as a Councillor (whether the person was an elected Councillor or an appointed Councillor for either or both of those earlier terms).

Note: Section 15 deals with the term of office of a Councillor.

18 Transitional and application provisions for Councillors

- (1) The amendments of section 12 of the *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989* made by this Schedule do not affect the continuity in office, on and after commencement of this Schedule, of Councillors who held office immediately before that commencement.
- (2) Paragraphs 12(1)(a) and (b) of the *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989*, as included by this Schedule, apply to elections for Councillors to hold office after the end of the terms of office of all the elected Councillors who held office immediately before the commencement of this Schedule.
- (3) Paragraph 12(1)(c) and subsection 12(1A) of the *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989*, as included by

this Schedule, apply in relation to the making of appointments on or after the commencement of this Schedule.

- (4) Subsection 12(1B) of the *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989*, as included by this Schedule, applies to elections and appointments for terms that start on or after the commencement of this Schedule, whether the earlier terms mentioned in that subsection occurred wholly or partly before or after that commencement.

19 Subsection 21(2A)

After “paragraph 12(1)(a)”, insert “or (b)”.

20 Part 6 (heading)

Repeal the heading, substitute:

Part 6—Chief Executive Officer

21 Section 24 (heading)

Repeal the heading, substitute:

24 Chief Executive Officer

22 Subsections 24(1), (2) and (3)

Omit “Principal” (wherever occurring), substitute “Chief Executive Officer”.

23 Transitional provision for Principal

- (1) This item applies to the person who was Principal of the Australian Institute of Aboriginal and Torres Strait Islander Studies immediately before the commencement of the amendments of section 24 of the *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989* made by this Schedule.
- (2) The person is taken to have been appointed by the Council under section 25 of that Act on that commencement as Chief Executive Officer of the Institute, for the remainder of the period for which the person was appointed as Principal.

24 Subsection 25(1)

Omit “(1) The Principal”, substitute “The Chief Executive Officer”.

25 Sections 26, 26A, 27 and 28

Omit “Principal”, substitute “Chief Executive Officer”.

26 Paragraphs 29(2)(a) and (b)

Omit “Principal” (wherever occurring), substitute “Chief Executive Officer”.

27 Subsection 30(1)

Omit “Principal”, substitute “Chief Executive Officer”.

28 Part 8

Repeal the Part.

29 Subsection 43(1)

Omit “Aboriginal persons and Torres Strait Islanders”, substitute “Aboriginal and Torres Strait Islander peoples”.

30 Section 44 (heading)

Repeal the heading, substitute:

44 Delegation to Chief Executive Officer or staff

31 Section 44

Omit “Principal”, substitute “Chief Executive Officer”.

32 Saving of delegations

- (1) A delegation of powers to the Principal in force under section 44 of the *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989* immediately before the commencement of this Schedule continues in force as a delegation to the Chief Executive Officer.
- (2) Subitem (1) does not prevent an amendment or revocation of the delegation on or after that commencement.

33 Section 50 (definition of *authorised officer*)

Repeal the definition.

34 Sections 52, 53, 56, 57, 59, 60, 61, 62 and 63

Repeal the sections.

35 Section 64 (heading)

Repeal the heading, substitute:

64 Operation of the *Superannuation (Productivity Benefit) Act 1988*

36 Subsection 64(2) (definition of *Superannuation Act*)

Omit “*Superannuation Benefit (Interim Arrangement) Act 1988*”,
substitute “*Superannuation (Productivity Benefit) Act 1988*”.

37 Section 65

Repeal the section.

[*Minister’s second reading speech made in—
House of Representatives on 12 November 2015
Senate on 1 December 2015*]

(194/15)
