



Parliamentary Joint Committee on Human Rights
Via email to human.rights@aph.gov.au

2 June 2023

Dear Committee Secretary,

Re: Response to Question on Notice - Inquiry into Australia's Human Rights Framework

At our appearance before the Committee on Friday 12 May 2023, the ACT Human Rights Commission was asked the following question by the Chair of the Committee, Mr Josh Burns MP:

"You can take this on notice. You may not be the right people to ask. You mentioned that there is an elected First Nations body in the ACT. I'm interested in what that is and how it interacts with the commissions and the executive. We have voices active in Victoria and South Australia. I wonder whether it is that sort of body. Take that on notice, thank you."

The answer to the Chair's question is as follows:

The ACT Human Rights Commission agrees we are not the most appropriate organisation to answer this question. We encourage direct contact with the ACT Aboriginal and Torres Strait Islander Elected Body (**the Elected Body**) for more detailed information. We provide the details below from the Elected Body's publicly available website, which we summarise here for the Committee's general information and convenience.

- The ACT is the only jurisdiction in Australia with an elected Aboriginal and Torres Strait Islander voice to government, being the Elected Body. The Elected Body is created under the *Aboriginal and Torres Strait Islander Elected Body Act 2008* (**the ATSIEB Act**) which sets out its functions, as listed below.
- The Elected Body represents Aboriginal and Torres Strait Islander people living in Canberra. There are 7 members of the Elected Body and each member is democratically voted in by Canberra's Aboriginal and Torres Strait Islander community. Each member is appointed for 3 years on a part time basis. The members come from different backgrounds and include members who have lived in the ACT their entire lives and also others who are now living in the ACT and bring in experience from different communities. A chairperson and deputy chairperson are voted into their roles by the Elected Body members. Each Elected Body member has their own portfolio responsibility which together cover the various agencies in the ACT executive. The Elected Body has direct involvement in contributing to the development of key agreements, policies and programs for Aboriginal and Torres Strait Islander people living in the ACT.
- In addition, the *ACT Aboriginal and Torres Strait Islander Agreement 2019-2028* sets out a 10 year direction in Aboriginal and Torres Strait Islander affairs in the ACT. This agreement is signed by the Chief Minister, the chair of the Elected Body, the Minister for Aboriginal and Torres Strait Islander Affairs and the ACT Public Service Head of Service.

- Functions of the Elected Body as set out in the ATSIEB Act are:
 - a) to receive, and pass on to the Minister and any other Minister responsible for the matter that is the subject of concern, the views of Aboriginal and Torres Strait Islander people living in the ACT on issues of concern to them
 - b) when asked by the Minister, to give the Minister information or advice about the views of Aboriginal and Torres Strait Islander people living in the ACT on matters stated by the Minister
 - c) to represent, including nationally, Aboriginal and Torres Strait Islander people living in the ACT and to act as an advocate on systemic or whole-of-government issues affecting their interests
 - d) to foster community discussion about
 - i. issues of concern to Aboriginal and Torres Strait Islander people living in the ACT
 - ii. the functions of ATSIEB
 - iii. this Act
 - e) to conduct regular consultation with Aboriginal and Torres Strait Islander people living in the ACT and report the outcomes of that consultation to the Minister and any other Minister responsible for the matter that is the subject of the consultation
 - f) to make recommendations to government agencies about research proposals that further the objects of this Act
 - g) to monitor and report on the effectiveness and accessibility of programs and services conducted by government agencies for Aboriginal and Torres Strait Islander people living in the ACT
 - h) to monitor and report on the accessibility by Aboriginal and Torres Strait Islander people living in the ACT to programs and services conducted by government agencies for the general public
 - i) to provide advice to government agencies on appropriate representation of Aboriginal and Torres Strait Islander people living in the ACT on consultative bodies established by government agencies
 - j) when asked by a government agency or another person, to recommend any reasonable action it considers necessary to protect Aboriginal and Torres Strait Islander cultural material or information considered sacred or significant by Aboriginal and Torres Strait Islander people living in the ACT
 - k) any other function given to ATSIEB by the Minister
 - l) any other function given to ATSIEB under this Act or another territory law.

For further information, the contact in my office is Naomi Reiner Gould, who may be reached on 6205 2222.

Yours sincerely

Dr Helen Watchirs OAM
President and Human Rights Commissioner