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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES RECOGNITION
(SUNSET EXTENSION) BILL 2015**

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Indigenous Affairs,
Senator the Honourable Nigel Scullion)

ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES RECOGNITION (SUNSET EXTENSION) BILL 2015

OUTLINE

This Bill amends the *Aboriginal and Torres Strait Islander Peoples Recognition Act 2013* (Act of Recognition) to extend the sunset date of the Act by three years to 28 March 2018.

The amendment will ensure the Act of Recognition continues in operation until a referendum to recognise Aboriginal and Torres Strait Islander Peoples in the Constitution can be held. This is consistent with the recommendations of the final report of the Review Panel established under the Act of Recognition, which was tabled in Parliament on 19 September 2014.

FINANCIAL IMPACT STATEMENT

No financial implications arise from the extension of the sunset date.

REGULATORY IMPACT STATEMENT

The Office of Best Practice Regulation has advised that a regulatory impact statement is not required.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

The statement of compatibility with human rights appears at the end of this explanatory memorandum.

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NOTES ON CLAUSES

Clause 1: Short Title

1. Clause 1 is a formal provision specifying the short title of the Bill.

Clause 2: Commencement

2. The Bill will commence on the day after it receives the Royal Assent.

Clause 3: Schedules

3. Legislation that is specified in the Schedule to the Bill is amended or repealed as set out in the Schedule to the Bill.

SCHEDULE 1 – AMENDMENTS

Item 1 – Section 5.

The reference to ‘2 years’ is omitted and substituted with ‘5 years’, to extend the sunset date to 28 March 2018.

Item 2 – Section 5 (note).

The reference to ‘2 years’ is omitted, consistent with the amendment to Section 5.

Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the
Human Rights (Parliamentary Scrutiny) Act 2011*

Aboriginal and Torres Strait Islander Recognition (Sunset Extension) Bill 2015

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Bill

This Bill amends the *Aboriginal and Torres Strait Islander Peoples Recognition Act 2013* (Act of Recognition) to extend the sunset date of the Act by three years to 28 March 2018. The extension of the Act of Recognition sunset date will ensure the Act of Recognition continues in operation until a referendum to recognise Aboriginal and Torres Strait Islander Peoples in the Constitution can be held. This is consistent with the recommendations of the final report of the Review Panel established under the Act of Recognition, which was tabled in Parliament on 19 September 2014.

Human rights implications

Australia has a range of international human rights obligations in relation to the recognition of Aboriginal and Torres Strait Islander peoples and their culture, language, heritage and rights to self-determination – notably, under the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights* and the *International Convention on the Elimination of all forms of Racial Discrimination*. This Bill does not engage any of the applicable rights or freedoms.

Conclusion

This Bill is compatible with human rights as it does not raise any human rights issues.