

## **DRAFT SECOND READING SPEECH**

**HON ROGER JAENSCH MP**

### ***Aboriginal Lands Amendment (2024 Council Election) Bill 2023***

*\*check Hansard for delivery\**

Mr Speaker, I move that the Bill now be read a second time.

The Aboriginal Lands Amendment (2024 Council Election) Bill 2023 has a single and simple purpose. It addresses an issue of timing that arises due to the fact that the Aboriginal Lands Amendment Bill 2023 will not be considered and passed by Parliament this year, and the consequence of the Tasmanian Electoral Commissioner being required under the current legislation to commence in January 2024, public-facing processes in preparation for the next scheduled election of the Aboriginal Land Council of Tasmania.

As honourable members will recall, on 8 August this year I released a draft of the Aboriginal Lands Amendment Bill for a consultation that closed formally on 19 September. We have received 310 written submissions, and held meetings with several organisations and individuals.

We had planned to bring the final Aboriginal Lands Amendment Bill to Parliament for debate this year, and provisions in that Bill, currently at clause 10 in the consultation draft, would have had the effect of delaying the next Council election. This was a strong recommendation of the Electoral Commissioner in his consultation submission.

A few weeks ago following the Voice Referendum, I personally touched base with key Aboriginal stakeholders, and Members of Parliament from all sides who are present here today, to discuss priorities for the remainder of the year. The feedback was very clear – the Government should not introduce the Aboriginal Lands Amendment Bill this year, to allow more time to consider the feedback received, and are still receiving, from the most recent public consultation process that finished in September 2023.

Importantly, perhaps the most important party – the Aboriginal Land Council of Tasmania – have not yet been able to provide a submission and have asked for additional time to properly consider the implications of the proposed provisions in the draft Aboriginal Lands Amendment Bill.

The positive aspect of not progressing the Aboriginal Lands Amendment Bill this year is that we now have the time before Parliament returns next year to finalise the Bill and have it ready for introduction early in the Autumn session.

The delay, however, raises a simple practical issue. As the draft of the Aboriginal Lands Amendment Bill made clear, the intention is to ensure the next election for the Aboriginal Land Council of Tasmania is held under the amended provisions of the Act, and therefore to postpone the 2024 election to allow the new provisions to be fully implemented before elections are held.

I note that this intention appears to have been understood as a necessary part of the amendment process, and I understand that no submissions indicated opposition to this proposal.

The more substantive Aboriginal Lands Amendment Bill will not be debated until the Autumn 2024 session, and we aim for it to pass before the middle of the year. The Electoral Commissioner will then need up to about 18 months to bed down the new arrangements, and be ready to conduct the first election using the new enrolment procedures.

However, under the current Act, the Electoral Commissioner is obliged to begin public-facing elements of the processes for an election from January 2024 and he is unable to delay these processes any further.

This Postponement Bill therefore allows the Electoral Commissioner to set a new date for calling nominations (the final action with a statutory timeframe) that will be between 15 and 24 months after commencement – up to 18 months after the Aboriginal Lands Amendment Bill is expected to pass. The Electoral Commissioner has been consulted and he is supportive of this Bill as providing the cleanest and simplest approach to protect the integrity of the election.

We are proposing to have this Bill debated, and hopefully passed, before Parliament rises. If so, it will commence, on Royal Assent, in late November or December. This would allow the Electoral Commissioner to set a new date for calling nominations between March and December 2025, which provides for up to 18 months from the expected commencement of the amended Act.

It should be noted that Aboriginal Land Council of Tasmania elections have previously been deferred in 1999 and 2004, to overcome other conflicting election processes.

The need to defer the upcoming Aboriginal Land Council election process, as a direct consequence of not introducing the Aboriginal Lands Amendment Bill 2023 this year was also broadly understood and supported by key Aboriginal stakeholders and

Members of this House. Unfortunately however, once the single-purpose Aboriginal Lands Amendment (2024 Council Election) Bill 2023 was tabled on 31 October, politics overtook process, and support was withdrawn.

There are some obvious advantages to this proposal. It would avoid the waste and confusion that must result from the Electoral Commissioner having to commence statutorily required actions that will subsequently have to be nullified by the Aboriginal Lands Amendment Bill.

The waste of the Electoral Commissioner's time and resources is evident, as is the Government's desire to ensure the integrity of the Aboriginal Land Council of Tasmania's election is maintained and not encumbered by discussions and debate on new legislation occurring concurrently. But the confusion, and possibly hurt, that would be caused among Tasmanian Aboriginal people by beginning and then voiding processes under the current Act, is arguably more significant.

If this Bill does not pass this year, the Aboriginal Lands Amendment Bill will introduce similar provisions in 2024, but will also need to specifically nullify a range of statutory electoral actions that will have occurred by the time it passes. This is surely a wasteful and unnecessary procedure, and I trust members will agree that by passing this short Bill, they will clear the way for the full and respectful debate we intend to bring on in the Autumn session.

Mr Speaker, I commend the Bill to the House.