Mrs Giulia Jones MLA

Chair

Standing Committee on Justice and Community Safety

ACT Legislative Assembly

London Circuit

CANBERRA ACT 2601

Dear Mrs Jones

I write in response to the Standing Committee on Justice and Community Safety’s Scrutiny Report No 5 of 27 April 2017 which includes comments on the *Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2017* (the Bill).

I note the Committee’s advice that the initial Explanatory Statement did not provide a sufficient statement on the human rights considerations raised by the Bill. As the Committee noted, the explanatory statement is an important element in the dialogue between the promoter of a Bill and the Assembly which helps ensure that human rights implications of proposed legislation are considered.

I propose to table a revised Explanatory Statement to clarify whether provisions of the Bill may be fairly regarded as limiting a right stated in the *Human Rights Act 2004* (HRA), and/or any right based on some other source, and present a justification for such a limitation in terms that satisfy the requirements of HRA section 28.

The Bill does not engage or limit rights under the HRA. The Human Rights Commission was consulted during the development of the Bill to ensure that all of the amendments were consistent with the HRA.

The ACT Justice and Community Safety Directorate has also advised the ACT Attorney-General that, in its view, the Bill is compatible with the HRA.

I thank the Committee for its report and careful consideration of the Bill.

Yours sincerely

Rachel Stephen-Smith MLA