Institute of Aboriginal and Torres Strait Islander Studies Bill 1989

Date Introduced: 4 May 1989
House: House of Representatives
Presented by: Hon. Gerry Hand, M.P., Minister for Aboriginal Affairs

Digest of Bill

Purpose
To establish the Institute of Aboriginal and Torres Strait Islander Studies which will undertake and promote Aboriginal and Torres Strait Islander studies.

Background
The Australian Institute of Aboriginal Studies (AIAS) was established in 1964. The functions of the AIAS include: to promote Aboriginal Studies, to encourage and assist co-operation amongst universities, museums and other institutions concerned with Aboriginal Studies, and to support such institutions in training research workers in fields relevant to Aboriginal Studies. The AIAS carries out its functions primarily by giving financial assistance to universities, museums, other institutions, and by directly assisting persons to carry on those studies. For the year ending 30 June 1988, appropriation for the AIAS was $3.826 million. Total AIAS income was $4.067 million. Expenditure on grants and projects was $1.531 million and $1.205 million was spent on administrative costs. Grants awarded by the AIAS Council included $25 000 to continue work on the compilation of Yir-Yoront Lexicon and Texts, $24 000 for research into the preparation of a film of Aboriginal Australia, and $21 000 for field work in order to collect and analyse the Wongga songs of northern Australia.1

On 1 June 1988, the coalition and Australian Democrats combined in the Senate to force the establishment of a Senate Select Committee to review the proposed Aboriginal and Torres Strait Islander Commission Bill 1988, under which the Institute was to have been absorbed into the Aboriginal and Torres Strait Islander Commission (ATSIC), and other matters in relation to the administration of Aboriginal affairs. In submissions to the Committee, the AIAS questioned whether the proposed absorption into ATSIC was necessary. The AIAS argued that it should retain its independence in order to pursue its activities without external pressures and that there was no evidence there would be any effective cost savings or efficiency increases through absorption. The AIAS, did however, accept proposed changes to the membership of its Council, and a redefinition of its functions.
In February 1989, the report of the Committee was tabled in the Senate. The Committee recommended that the AIAS should retain its own legislation and continue to deal with other Aboriginal Affairs portfolio agencies as it has in the past. In addition, the Committee recommended that the proposed reforms to the AIAS contained in the 1988 ATSIC Bill should be implemented by amendment of the *Australian Institute for Aboriginal Studies Act 1964*. 2

**Main Provisions**

Clause 3 contains the circular definitions of an Aboriginal person as a person of the Aboriginal race of Australia, and of a Torres Strait Islander (Islander) as a descendant of an indigenous inhabitant of the Torres Strait Islands.

The Institute of Aboriginal and Torres Strait Islander Studies (the Institute) will be established as a corporation by clause 4.

The functions and powers of the Institute are contained in clauses 5 and 6 and include: to undertake and promote Aboriginal and Islander studies; conduct research in fields relevant to Aboriginal and Islander studies and encourage other persons or bodies to conduct such research; and to assist in training persons, particularly Aboriginals and Islanders, as research workers in fields relevant to Aboriginal and Islander studies.

Persons who were members, associate members, or corresponding members of the AIAS, and persons appointed by the Council of the Institute (the Council) will be members of the Institute. The Council is not to appoint a person as a member unless they have complied with application procedures, demonstrated an interest in Aboriginal and Islander studies, the Research Advisory Committee has advised the Council whether or not it considers the person should be appointed, and the Council has considered the advice of the Committee.

Clause 12 provides for the establishment of the Council and its constitution. The Council is to consist of four persons elected by the members of the Institute, one person appointed by the Minister who is an Islander and whose appointment was recommended by the ATSIC Torres Strait Islander Advisory Board, and four persons appointed by the Minister who are Aborigines or Islanders. At least three of the Councillors are to be Commissioners of ATSIC and all Councillors will hold office on a part-time basis.

The Council is to be responsible for the performance of the functions of the Institute and determine the policy of the Institute with respect to any matter (clause 13).

The Minister is to appoint a Chairperson and Deputy Chairperson of the Council from among the Councillors (clause 14).

The Council is to appoint a Principal of the Institute who is to manage the administration of the Institute (clause 24).
Clauses 29 and 30 provide for the appointment of staff under the Public Service Act 1922 and engagement of consultants to the Institute. The terms and conditions on which consultants will be engaged is to be set by the Council by notice published in the Gazette.

Clause 31 provides for the establishment of a Research Advisory Committee. The Research Advisory Committee is to consist of three members of the Council, appointed by the Council, eight members of the Institute, elected by members of the Institute, and the Principal. At least one of the members is to be a Commissioner of ATSIC.

The functions of the Research Advisory Committee are contained in clause 32 and include: to assess applications for research grants made to the Institute and make recommendations to the Council in relation to such applications, advise the Council on research matters, and advise the Council on applications for membership of the Institute.

Money held by the Institute is to be used only in the performance of its functions, for remuneration and allowances, and any other payments it is required to make under this Bill. The Institute will be exempt from all Commonwealth, State, and Territory taxes and subject to the Audit Act 1901 (clauses 36 - 38).

It will be an offence for a person, in relation to an application for a grant or loan from the Institute, to make or present a false or misleading statement or document. The maximum penalty for breach of this provision will be a fine of $1 000 or imprisonment for 6 months (clause 44).

The Governor-General may make regulations, including regulations prescribing penalties not exceeding $1 000 for individuals or $5 000 for corporations (clause 47).

Part 11 of the Bill (clauses 48 - 64) provides consequential and transitional provision including for the transfer of assets and liabilities from the AIAS, and the repeal of the Australian Institute of Aboriginal Studies Act 1964.

References
1. Australian Institute of Aboriginal Studies, Annual Report 1987 - 88, pp. 5 - 7 and 44.

For further information, if required, contact the Education and Welfare Group.

23 May 1989

Bills Digest Service
Legislative Research Service
This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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