



New South Wales

Aboriginal Land Rights Amendment (Housing) Act 2011 No 56

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New South Wales

Aboriginal Land Rights Amendment (Housing) Act 2011 No 56

Act No 56, 2011

An Act to amend the *Aboriginal Land Rights Act 1983* with respect to certain residential tenancy agreements and land dealing approval requirements. [Assented to 16 November 2011]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Aboriginal Land Rights Amendment (Housing) Act 2011*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Aboriginal Land Rights Act 1983 No 42

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

residential tenancy agreement has the same meaning as in the *Residential Tenancies Act 2010*.

short-term residential tenancy agreement means a residential tenancy agreement:

- (a) that is a fixed term agreement (within the meaning of the *Residential Tenancies Act 2010*) for a term of less than 3 years (including any option to renew the agreement) or is a periodic agreement (within the meaning of that Act), and
- (b) where the only parties to the agreement are a Local Aboriginal Land Council and one or more natural persons.

[2] Section 42E Approval required for land dealings by Local Aboriginal Land Councils

Omit section 42E (2) (a). Insert instead:

- (a) a land dealing in relation to a lease for a period of less than 3 years (including any option to renew the lease) or a short-term residential tenancy agreement, other than a social housing management lease,

[3] Section 52G Functions exercised by Council resolution

Omit section 52G (e). Insert instead:

- (e) approval of dealings with land (within the meaning of Division 4 of Part 2) and land dealing approval agreements (within the meaning of that Division), other than any such dealings or agreements that relate to short-term residential tenancy agreements,

[4] Section 62 Functions of Boards of Local Aboriginal Land Councils

Omit “in accordance with this Act and the regulations and consistently with the community, land and business plan of the Council,” from section 62 (a).

[5] Section 62 (c1)

Insert after section 62 (c):

- (c1) without limiting paragraph (a), to enter into short-term residential tenancy agreements in relation to land vested in the Council and to manage or terminate such agreements,

[6] Section 62 (2)

Insert at the end of section 62:

- (2) The functions of the Board of a Local Aboriginal Land Council are to be exercised in accordance with this Act and the regulations and consistently with the community, land and business plan of the Council.

[7] Section 230 Limitations on certain land dealings by administrator

Insert at the end of the section:

- (2) Despite subsection (1), the exercise by an administrator for a Local Aboriginal Land Council of any of the following functions does not require the consent of the Council:
 - (a) entering into a short-term residential tenancy agreement,
 - (b) the management of a short-term residential tenancy agreement,
 - (c) the termination of a short-term residential tenancy agreement.

[8] Schedule 4 Savings, transitional and other provisions

Insert at the end of clause 1A (1):

Aboriginal Land Rights Amendment (Housing) Act 2011

[9] Schedule 4, Part 10

Insert after Part 9:

**Part 10 Provisions consequent on enactment of
Aboriginal Land Rights Amendment
(Housing) Act 2011**

54 Existing residential tenancy agreements

- (1) In this clause:

amending Act means the *Aboriginal Land Rights Amendment (Housing) Act 2011*.

commencement date means the date of assent to the amending Act.

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- (2) This clause applies to the following functions:
- (a) the management of a short-term residential tenancy agreement,
 - (b) the termination of a short-term residential tenancy agreement.
- (3) The amendment of section 52G, 62 or 230 by the amending Act extends to the exercise of the functions to which this clause applies in relation to a short-term residential tenancy agreement entered into before the commencement date, but only to the extent that those functions are exercised on or after the commencement date.

[Second reading speech made in Legislative Council on 12 October 2011

Agreement in principle speech made in Legislative Assembly on 8 November 2011]

BY AUTHORITY