



Aboriginal Land Rights Amendment (Rate Exemptions) Regulation 2003

under the

Aboriginal Land Rights Act 1983

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Aboriginal Land Rights Act 1983*.

ANDREW REFSHAUGE, M.P.,
Minister for Aboriginal Affairs

Explanatory note

Section 43 of the *Aboriginal Land Rights Act 1983* provides that the regulations may declare that specified Aboriginal Land Council land is exempt from:

- (a) the payment of rates and charges, or from the payment of specified rates and charges, under the *Local Government Act 1993*, or
- (b) the payment of rates, levies and charges, or from the payment of specified rates, levies and charges, under the *Hunter Water Act 1991*, or
- (c) the payment of service charges, or the payment of specified service charges, under the following Acts:
 - (i) the *Sydney Water Act 1994*,
 - (ii) the *Water Management Act 2000*.

Clause 7 of the *Aboriginal Land Rights Regulation 2002* provides that the following Aboriginal Land Council land is exempt from those rates, levies and charges:

- (a) land specified in Schedule 1 to that Regulation,
- (b) land that is not being used for a commercial or residential purpose,
- (c) land in respect of which a resolution has been passed by an Aboriginal Land Council in a specified manner that declares it to be land of spiritual or cultural significance to Aboriginal people.

2003 No 447

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Explanatory note

The object of this Regulation is to amend the *Aboriginal Land Rights Regulation 2002* as follows:

- (a) to remove all land from Schedule 1 to the *Aboriginal Land Rights Regulation 2002* (thereby ending the exemption that applies to that land),
- (b) to provide that only land that is not being used for a residential purpose may be the subject of a resolution of an Aboriginal Land Council declaring the land to be of spiritual or cultural significance to Aboriginal people for the purposes of an exemption,
- (c) to provide that the Minister for Aboriginal Affairs must approve any such resolution before the resolution can take effect to exempt the land from the rates, levies and charges referred to above.

This Regulation is made under the *Aboriginal Land Rights Act 1983*, including section 43 and section 252 (the general regulation-making power).

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Aboriginal Land Rights Act 1983

1 Name of Regulation

This Regulation is the *Aboriginal Land Rights Amendment (Rate Exemptions) Regulation 2003*.

2 Commencement

This Regulation commences on 1 July 2003.

3 Amendment of Aboriginal Land Rights Regulation 2002

The *Aboriginal Land Rights Regulation 2002* is amended as set out in Schedule 1.

2003 No 447

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Schedule 1 Amendments

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(Clause 3)

[1] Clause 7 Exemption of Aboriginal lands from the payment of rates

Omit clause 7 (2) (c). Insert instead:

- (c) land that is not being used for a residential purpose in respect of which a resolution has been passed in accordance with subclauses (3) and (4) declaring it to be land of spiritual or cultural significance to Aboriginal people.

[2] Clause 7 (4) (d)

Insert at the end of clause 7 (4) (c):

, and

- (d) the Minister has approved the resolution.

[3] Schedule 1 Land exempt from certain rates and charges

Omit all the matter after “(Clause 7)” within the Schedule.

BY AUTHORITY
