



New South Wales

Aboriginal Land Rights Further Amendment Regulation 2007

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*.

PAUL LYNCH, M.P.,
Minister for Aboriginal Affairs

Explanatory note

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

- (a) to update references to officers of Local Aboriginal Land Councils as a result of the commencement of amendments to provisions of the *Aboriginal Land Rights Act 1983* (the *Act*) relating to the establishment of Boards of Councils,
- (b) to make changes consequential on the commencement of amendments to the Act relating to changes to Local Aboriginal Land Councils and their areas,
- (c) to specify the number of Board members for Local Aboriginal Land Councils,
- (d) to provide for secret ballots and other procedures for the election of Boards of Local Aboriginal Land Councils,
- (e) to provide for the election of Chairpersons and Deputy Chairpersons of Local Aboriginal Land Councils,
- (f) to set out the training to be provided by the New South Wales Aboriginal Land Council for new members of that Council and Boards of Local Aboriginal Land Councils,
- (g) to specify the way in which staff vacancies of Aboriginal Land Councils are to be advertised,
- (h) to specify the information to be contained in summaries of community, land and business plans of Local Aboriginal Land Councils,

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- (i) to confer on an administrator of an Aboriginal Land Council all of the functions of that Council, including the functions that may be exercised only by resolution of the members of the Council,
- (j) to update the model rules for Aboriginal Land Councils,
- (k) to include in the model codes of conduct for Aboriginal Land Councils further requirements for behaviour at Council meetings,
- (l) to make transitional provisions relating to the initial appointment of chief executive officers of Local Aboriginal Land Councils,
- (m) to make other minor amendments.

This Regulation is made under the *Aboriginal Land Rights Act 1983*, including sections 40D (2), 43, 52F (2), 59 (1), 60, 61, 63 (7), 65 (1), 68, 79A, 84 (4), 87, 90, 107 (1), 117 (2), 120, 131 (1), 143A, 177 (2), 222 (4), 226 and 252 (the general regulation-making power) and Schedule 4, clause 1A.

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2007**

under the

Aboriginal Land Rights Act 1983

1 Name of Regulation

This Regulation is the *Aboriginal Land Rights Further Amendment Regulation 2007*.

2 Commencement

This Regulation commences on 1 July 2007.

3 Amendment of Aboriginal Land Rights Regulation 2002

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

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 6 Certificate relating to disposal of land

Omit “Secretary” from clause 6 (b). Insert instead “Chairperson of the Board”.

[2] Clause 7 Exemption of Aboriginal lands from payment of rates

Omit “Secretary of the Council (or, in the case of the New South Wales Aboriginal Land Council, the Chief Executive Officer of the Council)” from clause 7 (4) (c).

Insert instead “chief executive officer of the Council”.

[3] Clause 19 Alteration of boundaries or dissolution of Local Aboriginal Land Council area

Omit clause 19 (1). Insert instead:

- (1) A Local Aboriginal Land Council may apply to the Registrar for an order under section 87 (1) (b) or (e) of the Act.

[4] Clause 19 (2) (b)

Insert “or the area of the Council to be dissolved” after “altered”.

[5] Clause 19 (5) (b)

Insert “or a reference to the dissolution of a Local Aboriginal Land Council, as the case requires” after “area” where secondly occurring.

[6] Clause 19 (5) (c)

Insert after clause 19 (5) (b):

, and

- (c) in the case of an application under section 87 (1) (e) of the Act, clauses 10 (2) (c) and (d), 14 (3) (b) and (4), 17 and 18 do not apply.

[7] Clause 20 Change of name of Local Aboriginal Land Council area

Omit clause 20 (1). Insert instead:

- (1) A Local Aboriginal Land Council may apply to the Registrar for an order under section 87 (1) (a) of the Act.

[8] Clause 20 (5)

Omit the subclause. Insert instead:

- (5) On receiving the recommendation of the Registrar, the Minister may make an order under section 87 (1) (a) of the Act or refuse to make an order.

[9] Clause 21 Amalgamation of, and inclusion in, Local Aboriginal Land Council areas

Omit clause 21 (1). Insert instead:

- (1) Two or more Local Aboriginal Land Councils may apply to the Registrar for an order under section 87 (1) (c) or (d) of the Act.

[10] Clause 21 (2) and (4)

Insert “or inclusion” after “amalgamation” wherever occurring.

[11] Clause 21 (2) (b)

Insert “in the case of an amalgamation,” before “recommend”.

[12] Clause 21 (5) and (6)

Omit the subsections. Insert instead:

- (5) On receiving the recommendation of the New South Wales Aboriginal Land Council, the Minister may make an order under section 87 (1) (c) or (d) of the Act or may refuse to make the order.
- (6) An order under section 87 (1) (c) of the Act is to specify the name of the new area constituted by the order and the date from which the new area is constituted.

[13] Clause 22

Omit the clause. Insert instead:

22 Transition after boundary change, amalgamation or inclusion

- (1) In this clause:

appointed day means the day on which an order takes effect.

new Council means the Council of an area after the area is amalgamated or altered by an order or a Council in whose area the area of an old Council is included.

old Councils means the Local Aboriginal Land Councils of the Local Aboriginal Land Council areas changed, amalgamated or included under an order.

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order means an order made under section 87 (1) (b), (c) or (d) of the Act.

- (2) The members of the old Councils immediately before the appointed day are to be listed by the Registrar on the rolls of the appropriate Councils in accordance with any applicable order under section 87 (2) of the Act.
- (3) If no such order is made, the members of the old Councils immediately before the appointed day are to be listed by the Registrar on the roll of the new Council (in the case of an amalgamation or inclusion) or on the rolls of the new Councils as determined by the Registrar (in the case of a boundary change).
- (4) If the order is an order under section 87 (1) (c) of the Act, the Registrar must convene the first meeting of the new Council within 7 clear days of the appointed day at a place nominated by the Registrar.
- (5) The Board members of any such new Council, and the Chairperson and Deputy Chairperson, are to be elected in accordance with Division 3 at the first meeting of the new Council.

[14] Part 3, Division 3

Omit the Division. Insert instead:

Division 3 Board members

23 Number of Board members for Council having more than 100 voting members

- (1) A Local Aboriginal Land Council having more than 100 voting members when an election for all Board members is held is to have not fewer than 7 and not more than 10 Board members.
- (2) If, at the election for all Board members of the Council, 7, 8, 9 or 10 nominations are received, the persons nominated are taken to be elected as the Board members of the Council and the number of persons nominated is to be the number of Board members for the Council for the period for which the members are elected.

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- (3) If, at the election for all Board members of the Council, more than 10 nominations are received, the number of Board members for the Council for the period for which the members are elected is to be 10.
 - (4) If, at the election for all Board members of the Council, fewer than 7 nominations are received, the persons nominated are taken to be elected as Board members of the Council and the number of Board members for the Council for the period for which the members are elected is to be 7.

Note. Section 68 of the Act provides for elections to fill casual vacancies (such as those created when positions are unfilled after a general Board election). See clause 25C for the filling of casual vacancies.

24 Number of Board members for Council having 100 or fewer voting members

- (1) A Local Aboriginal Land Council having 100 or fewer voting members when an election for all Board members is held is to have not fewer than 5 and not more than 7 Board members.
- (2) If, at the election for all Board members of the Council, 5, 6 or 7 nominations are received, the persons nominated are taken to be elected as the Board members of the Council and the number of persons nominated is to be the number of Board members for the Council for the period for which the members are elected.
- (3) If, at the election for all Board members of the Council, more than 7 nominations are received, the number of Board members for the Council for the period for which the members are elected is to be 7.
- (4) If, at the election for all Board members of the Council, fewer than 5 nominations are received, the persons nominated are taken to be elected as Board members of the Council and the number of Board members for the Council for the period for which the members are elected is to be 5.

Note. Section 68 of the Act provides for elections to fill casual vacancies (such as those created when positions are unfilled after a general Board election). See clause 25C for the filling of casual vacancies.

25 Election of Board members

- (1) An election for a Board member is to be conducted by the returning officer specified in section 63 (6) of the Act.
- (2) The returning officer must not vote in the election.

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- (3) A person may be nominated for the position of a Board member:
 - (a) by notification made in writing by a member and received by the returning officer at or before the time when nominations are called for at the meeting of the Local Aboriginal Land Council at which the election is held, or
 - (b) by any member present at that meeting.
- (4) For a nomination to be valid, the person nominated must be a voting member of the Council and give his or her consent to the nomination before the election is held and the consent must be recorded in the minutes of the meeting.
- (5) A ballot must be held for the positions of Board members if:
 - (a) in the case of a Council referred to in clause 23—more than 10 nominations are received, or
 - (b) in the case of a Council referred to in clause 24—more than 7 nominations are received.
- (6) A ballot held under this clause must:
 - (a) be a secret ballot, and
 - (b) subject to this Division, be conducted in such manner as the meeting thinks fit.
- (7) The candidates elected in accordance with clause 23 (2) and (4) and clause 24 (2) and (4) must be declared elected.

25A Conduct of ballots for Board members

- (1) If a ballot is to be held for the election of Board members, the returning officer must, after the close of nominations, determine the order in which the candidates' names are to be listed on ballot-papers.
- (2) The order is to be determined in the manner determined by the returning officer.
- (3) The returning officer must prepare a ballot-paper listing the names of the candidates in the order determined in accordance with this clause with a square opposite each name.
- (4) The returning officer is to direct the voting members present at the election meeting that each member:
 - (a) must record a vote on the ballot-paper for at least the number of candidates required to be elected by placing consecutive numbers beginning with the number "1" and ending with the number of positions to be filled in the

squares opposite the names of that number of candidates in the order of the member's preferences for them, and

- (b) may, if he or she so wishes, vote for additional candidates by placing consecutive numbers beginning with the number succeeding the number of positions required to be filled in the squares opposite the names of those additional candidates in the order of the member's preferences for them.

- (5) The returning officer is to determine the processes for voting.

25B Counting of votes

- (1) The returning officer must as soon as practicable after voting takes place in a ballot under this Division count the votes in accordance with this clause.
- (2) The returning officer is to count the votes in the presence of any scrutineers and such other persons as the returning officer thinks fit.
- (3) Each candidate may nominate a person present at the meeting to act as a scrutineer for the candidate.
- (4) For the first Board position, the votes are to be counted and the result of the election ascertained in accordance with the following procedures:
 - (a) the unrejected ballot-papers are arranged under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate,
 - (b) the total number of first preferences given for each candidate on such ballot-papers is then counted,
 - (c) the candidate who has received the largest number of first preference votes is elected if that number constitutes an absolute majority of votes,
 - (d) if no candidate has received an absolute majority of first preference votes, a second count is made,
 - (e) on the second count the candidate who has received the fewest first preference votes is excluded, and each unexhausted ballot-paper counted to him or her is counted to the candidate next in the order of the voter's preference,
 - (f) if a candidate then has an absolute majority of votes, he or she is elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his or her

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- unexhausted ballot-papers to the continuing candidate next in the order of the voter's preference is repeated until one candidate has received an absolute majority of votes,
- (g) the candidate who has received an absolute majority of votes is elected.
- (5) For the other Board positions, the votes are to be counted and the result of the election ascertained in accordance with the following procedures:
- (a) one of the candidates is elected in accordance with subclause (4),
 - (b) the unrejected ballot-papers are arranged under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate, except that each ballot-paper on which a first preference for the elected candidate is indicated is placed in the parcel of the candidate next in order of the voter's preference,
 - (c) the total number of first preferences given for each candidate on such ballot-papers is then counted,
 - (d) the candidate who has received the largest number of first preference votes is elected if that number constitutes an absolute majority of votes, and if not, the count proceeds according to subclause (4) (d), (e) and (f), until 1 candidate has received an absolute majority of votes,
 - (e) subclause (4) (d) and (e) are to be read for the purposes of this subclause as if a reference in those paragraphs to first preference votes were a reference to all votes counted to a candidate under this subclause,
 - (f) the third and every subsequent candidate is elected in the manner provided by the preceding paragraphs for the election of a second candidate. However a ballot-paper on which a first preference for any elected candidate is marked is placed in the parcel of the continuing candidate next in the order of the member's preference.

25C Elections to fill casual vacancies

- (1) For the purposes of section 68 of the Act, an election to fill a vacancy in the position of a Board member must be held in accordance with this clause.
- (2) An election for the position is to be conducted by the returning officer specified in section 63 (6) of the Act.

- (3) A person may be nominated for the position:
 - (a) by any member present at the meeting of the Local Aboriginal Land Council at which the election is held, or
 - (b) by notification made in writing by a member and received by the returning officer at or before the time when nominations are called for at the meeting.
- (4) For a nomination to be valid, the person nominated must be a voting member of the Council and give his or her consent to the nomination before the election is held and the consent must be recorded in the minutes of the meeting.
- (5) If only one nomination is received for the position, the nominated candidate must be declared elected. In any other case, a ballot must be held for each position.
- (6) A ballot held under this clause must be held in the same manner as a ballot for the position of a Board member and the provisions of this Division apply accordingly.

25D Elections for Chairperson and Deputy Chairperson of Board

An election for the position of Chairperson or Deputy Chairperson of a Board is to be conducted by the chief executive officer of the Local Aboriginal Land Council in the manner determined by the Board members present at the first meeting of the Board after its election.

25E Decisions of returning officer

Subject to the Act, a decision by the returning officer on any matter relating to the conduct of an election is final if the decision is required or permitted to be made by the returning officer by this Regulation.

25F Retention of electoral papers

The returning officer must retain all nomination papers, ballot-papers and other papers in connection with an election under this Division for a period of not less than 3 months after the election takes place.

25G Training requirements for Board members

- (1) The New South Wales Aboriginal Land Council must arrange training for each member elected for the first time to a Board of a Local Aboriginal Land Council in relation to the operation of Local Aboriginal Land Councils, the Act and this Regulation, including training relating to the following:

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- (a) the principles of governance applicable to Councils,
 - (b) the rules of Councils,
 - (c) the role and functions of Board members and the chief executive officers of Councils,
 - (d) the role and functions of the New South Wales Aboriginal Land Council and the Chief Executive Officer of that Council,
 - (e) provisions of this Act and the regulations relating to misbehaviour and the role and functions of the Pecuniary Interests and Disciplinary Tribunal.
- (2) The New South Wales Aboriginal Land Council must review and update training materials, or courses, used for the purposes of this clause at least once every 2 years.

[15] Clause 28 Local Aboriginal Land Council membership rolls (section 60)

Insert “or the person is a member because the person is an Aboriginal owner in relation to land within that area” after “area” where secondly occurring in clause 28 (d).

[16] Clause 28 (2)

Insert at the end of clause 28:

- (2) For the purposes of section 59 (1) of the Act, the copy of a Local Aboriginal Land Council’s membership roll must be sent to the Registrar not later than 10 weeks before the commencement of each financial year of the Council.

[17] Clause 29 Model rules

Omit “section 84 (2)”. Insert instead “section 52F (2)”.

[18] Clauses 30 and 31

Insert after clause 29:

30 Community, land and business plans

- (1) For the purposes of section 84 (4) of the Act, a summary of a proposed community, land and business plan of a Local Aboriginal Land Council must contain a summary of each matter listed in section 83 (1) of the Act (under headings that correspond to the paragraphs set out in that subsection).
- (2) The Local Aboriginal Land Council may include any other information that it thinks fit in the summary.

31 Staff vacancies

- (1) A vacant position in the staff of a Local Aboriginal Land Council is to be advertised:
 - (a) in a newspaper circulating in the area of the Council, and
 - (b) in a major indigenous newspaper circulating throughout the State.
- (2) The chief executive officer of a Local Aboriginal Land Council may appoint a person to a vacant position in the staff of the Council without first advertising the vacancy if the Board gives approval to the filling of the vacancy, or that class of vacancies, without advertisement of the vacancy.

[19] Clause 43 Certification of roll

Omit "Secretary" from clause 43 (1). Insert instead "chief executive officer".

[20] Clause 43 (4)

Omit "Secretary". Insert instead "chief executive officer".

[21] Clause 43 (4)

Omit "or, failing the Chairperson, the Treasurer".

Insert instead "of the Board".

[22] Clause 43 (5)

Omit "none of the officers".

Insert instead "neither the chief executive officer or Chairperson of the Board".

[23] Clauses 91 and 92

Insert after clause 90:

91 Staff vacancies

- (1) A vacant position in the staff of the New South Wales Aboriginal Land Council is to be advertised:
 - (a) in a major indigenous newspaper circulating throughout the State, and
 - (b) in another newspaper circulating throughout the State.

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- (2) The Chief Executive Officer of the New South Wales Aboriginal Land Council may appoint a person to a vacant position in the staff of the Council without first advertising the vacancy if the Chairperson gives approval to the filling of the vacancy, or that class of vacancies, without advertisement of the vacancy.

92 Training requirements for Council members

- (1) The New South Wales Aboriginal Land Council must arrange training for each councillor elected for the first time to the Council in relation to the operation of the Council, the Act and this Regulation, including training relating to the following:
- (a) the principles of governance applicable to the Council,
 - (b) the rules of the Council,
 - (c) the role and functions of councillors and the Chief Executive Officer of the Council,
 - (d) the role and functions of Local Aboriginal Land Councils,
 - (e) provisions of the Act and the regulations relating to misbehaviour and the role and functions of the Pecuniary Interests and Disciplinary Tribunal.
- (2) The New South Wales Aboriginal Land Council must review and update training materials, or courses, used for the purposes of this clause at least once every 2 years.

[24] Part 8

Omit the Part. Insert instead:

Part 8 Administration of Councils

98 Functions that may be exercised by administrator

For the purposes of section 222 (4) of the Act, an administrator of an Aboriginal Land Council may exercise all of the functions of the Council and the members of the Council exercised by resolution of the Council.

Note. Under section 222 (4) (b) of the Act, the administrator's instrument of appointment may limit the functions that may be exercised.

99 Election of Board members after administration (LALCs)

- (1) For the purposes of section 226 (1) of the Act, elections for Board members are to be held at a meeting of the Local Aboriginal Land Council called for that purpose by the administrator.

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- (2) The elections are to be held not less than 28 days before the end of the period of the administrator's term of office and the term of office of the Board members elected commences at the end of the period of administration.
 - (3) Division 3 of Part 3 applies to the election of Board members under this clause.
 - (4) The Board members elected under this clause are to elect, at a meeting called for that purpose by the administrator, a Chairperson and Deputy Chairperson. The Board members are to determine the manner in which the election of the Chairperson and Deputy Chairperson is to be conducted.

99A Election of councillors after administration (NSWALC)

- (1) For the purposes of section 226 (2) of the Act, elections for councillors for Regions are to be held on a date determined by the Minister, after consulting with the administrator, being a date not less than 28 days before the end of the period of the administrator's term.
- (2) Despite subclause (1), if an administrator of the New South Wales Aboriginal Land Council held office immediately before the commencement of this subclause, elections for councillors may be held at any time before the end of the period of the administrator's term.
- (3) The term of office of the councillors elected commences at the end of the period of administration.
- (4) Division 1 of Part 5 applies to the election of councillors under this clause.

Note. Sections 121–129 of the Act apply to the election of councillors and the Chairperson and Deputy Chairperson of the New South Wales Aboriginal Land Council.

[25] Schedule 2 Model rules for Local Aboriginal Land Councils

Omit “the Secretary of the Council” from the definition of *extraordinary meeting* in clause 2 (1).

Insert instead “the Chairperson of the Board”.

[26] Schedule 2, clause 2, definition of “extraordinary meeting”

Omit “2 officers” from paragraph (b). Insert instead “the Board”.

[27] Schedule 2, clause 2, definition of “ordinary meeting”

Omit “Secretary of the Council”. Insert instead “Chairperson of the Board”.

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- [28] **Schedule 2, clauses 4 (1) and 6 (2)**
Omit “Secretary” wherever occurring. Insert instead “chief executive officer”.
- [29] **Schedule 2, clause 7 (1)**
Omit “Secretary” where firstly occurring.
Insert instead “Chairperson of the Board”.
- [30] **Schedule 2, clause 7 (1)**
Omit “Secretary” where secondly occurring. Insert instead “Chairperson”.
- [31] **Schedule 2, clause 7 (4)**
Omit “Council”. Insert instead “Board”.
- [32] **Schedule 2, clause 8**
Omit the clause. Insert instead:
8 Calling of extraordinary meetings by Board
The Board may call an extraordinary meeting of the Council at any time.
Note. The *Aboriginal Land Rights Regulation 2002* sets out the way in which notice of a meeting is to be given.
- [33] **Schedule 2, clause 11 (1)**
Omit the subclause. Insert instead:
(1) A Board member elected as minutes secretary for the meeting by the members present must keep full and accurate minutes of the proceedings of a meeting of the Council.
- [34] **Schedule 2, clauses 11 (2) and (3) and 13 (1)**
Omit “Secretary” wherever occurring. Insert instead “the minutes secretary”.
- [35] **Schedule 2, clause 11 (2) (d)**
Omit “meeting, and”. Insert instead “meeting.”.
- [36] **Schedule 2, clause 11 (2) (e)**
Omit the paragraph.
- [37] **Schedule 2, clause 11 (4)**
Insert “of the Board” after “Chairperson”.

[38] Schedule 2, clause 12

Omit “either the Chairperson or the Secretary”.

Insert instead “the Chairperson of the Board”.

[39] Schedule 2, clause 12 (c)

Omit the paragraph. Insert instead:

(c) if required by the Act, the election of Board members, and

[40] Schedule 2, clause 14

Omit “Council” wherever occurring. Insert instead “Board”.

[41] Schedule 2, clause 15

Omit the clause. Insert instead:

15 Financial management

- (1) The chief executive officer must promptly:
 - (a) deposit into the Council’s account with an authorised deposit-taking institution all money received, and
 - (b) issue a receipt for all money received.
- (2) A payment in excess of \$50 paid by the Council by cheque must be signed by any 2 of the signatories of the Council’s accounts.
- (3) The signatories of the Council’s accounts are to be determined by the Board.
- (4) If the Board decides to remove a person from acting as a signatory of the Council’s accounts, that person must sign the appropriate authority from the authorised deposit-taking institution terminating that person’s role as a signatory at the earliest possible opportunity.
- (5) The chief executive officer must present to the Board monthly financial reports containing details of the following:
 - (a) all bills and accounts that have not been paid to be approved by the Board for payment,
 - (b) details of all bills and accounts that have been paid and not previously approved by the Board for ratification by the Board.
- (6) Full details of all approvals and ratifications must be entered in the minutes of the Board meeting.

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- [42] Schedule 2, clause 16 (2) and (3)**
Omit “Secretary” wherever occurring. Insert instead “chief executive officer”.
- [43] Schedule 2, clause 17**
Omit the clause. Insert instead:
- 17 Common seal**
- (1) The Council may provide for a common seal.
 - (2) The common seal must not be affixed without the authority of the Board of the Council.
 - (3) The common seal may be affixed to a document only in the presence of 2 Board members with an attestation by the signatures of the 2 Board members of the fact of affixing the seal.
- [44] Schedule 2, clause 19 (1)**
Insert “of the Board” after “Chairperson”.
- [45] Schedule 2, clause 19 (3) (a) (i)**
Omit “Secretary”. Insert instead “chief executive officer”.
- [46] Schedule 2, clause 19 (4)**
Insert after clause 19 (3):
- (4) The Chairperson has, in relation to the Board and meetings of the Board, the same functions as the Chairperson has under this clause in relation to meetings of the Council (other than the functions referred to in subclause (3) (d)).
- [47] Schedule 2, clause 20**
Omit “Secretary” where firstly occurring.
Insert instead “chief executive officer”.
- [48] Schedule 2, clause 20 (d)**
Insert “, of the Council and the Board,” after “meetings” where secondly occurring.
- [49] Schedule 2, clause 20 (f)**
Insert “for meetings of the Council and the Board” after “agenda”.
- [50] Schedule 2, clause 20 (h)**
Omit “Secretary”. Insert instead “Chief Executive Officer”.

[51] Schedule 2, clause 21

Omit the clause. Insert instead:

21 Financial duties

- (1) The chief executive officer must:
 - (a) maintain proper accounts and records of all transactions in relation to the operations of the Council (in a manner approved by the New South Wales Aboriginal Land Council), and
 - (b) ensure that all money received is deposited as soon as possible in the Council's account with an authorised deposit-taking institution, and
 - (c) submit a brief financial statement at each Board and Council meeting, including all accounts and bills that have not been paid and that are to be approved by the Board for payment and details of all accounts and bills of the Council that have been paid by the chief executive officer, and
 - (d) as soon as practicable, bring to the attention of the Board, details of any expenditure that in the chief executive officer's opinion contravenes the Act.
- (2) The Chairperson of the Board must:
 - (a) ensure that financial statements, together with an auditor's statement in relation to the statements, are submitted to each annual meeting of the Council and to the New South Wales Aboriginal Land Council, in accordance with Division 2 of Part 8 of the Act, and
 - (b) submit the Council's budget, after it has been passed by a Council meeting, to the New South Wales Aboriginal Land Council in accordance with section 158 of the Act, and
 - (c) submit the Council's six monthly report, after it has been passed by a Council meeting, to the New South Wales Aboriginal Land Council in accordance with section 159 of the Act, and
 - (d) as soon as practicable, submit to the Board, and advise the New South Wales Aboriginal Land Council of, details of any expenditure that in the Chairperson's opinion contravenes the Act or the wishes of the majority of the Council members or both.

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[52] Schedule 4 Model rules for New South Wales Aboriginal Land Council

Omit clause 10. Insert instead:

10 Common seal

- (1) The Council may provide for a common seal.
- (2) The Chairperson is to have custody of the common seal.
- (3) The common seal must not be affixed without the authority of the Council.
- (4) The common seal may be affixed to a document only in the presence of 2 councillors with an attestation by the signatures of the councillors of the fact of affixing the seal.

[53] Schedule 5 Model code of conduct for Local Aboriginal Land Councils

Insert at the end of the Schedule:

11. Officers of the [name] Local Aboriginal Land Council must not, at a meeting of the Council or the Board, do any of the following things:
 - (a) assault or threaten to assault another officer or person present at the meeting,
 - (b) move or attempt to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Board, or address or attempt to address the Council or Board on such a motion,
 - (c) insult or make personal reflections on or impute improper motives to another officer,
 - (d) say or do anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Board into contempt.

[54] Schedule 7 Model code of conduct for New South Wales Aboriginal Land Council

Insert at the end of the Schedule:

11. Councillors must not, at a meeting of the Council, do any of the following things:
 - (a) assault or threaten to assault another officer or person present at the meeting,

- (b) move or attempt to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council, or address or attempt to address the Council on such a motion,
- (c) insult or make personal reflections on or impute improper motives to another officer,
- (d) say or do anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council into contempt.

[55] Schedule 8 Savings, transitional and other provisions

Insert after clause 7:

8 Functions of chief executive officers of Local Aboriginal Land Councils

- (1) The functions of the chief executive officer of a Local Aboriginal Land Council are, until the first chief executive officer of the Council is appointed under section 78A of the Act, to be exercised by the most senior member of staff of the Council immediately before the commencement of that section.
- (2) A Board must appoint a chief executive officer under section 78A of the Act not later than 6 months after the commencement of that section.