



New South Wales

# Aboriginal Land Rights Amendment Regulation 2010

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, MP  
Minister for Aboriginal Affairs

## Explanatory note

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

- (a) to remove the requirement that a valuation of land submitted with an application by a Local Aboriginal Land Council for a land dealing approval be prepared by a registered valuer within the preceding 12 months,
- (b) to replace the forms for dealing approval certificates and registration approval certificates issued by the Chief Executive Officer of the New South Wales Aboriginal Land Council,
- (c) to omit a note.

This Regulation is made under the *Aboriginal Land Rights Act 1983*, including sections 41 (1) and (2), 42F (2) and 252 (the general regulation-making power).

## **2010 No 123**

Clause 1            Aboriginal Land Rights Amendment Regulation 2010

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# **Aboriginal Land Rights Amendment Regulation 2010**

under the

Aboriginal Land Rights Act 1983

### **1 Name of Regulation**

This Regulation is the *Aboriginal Land Rights Amendment Regulation 2010*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1      Amendment of Aboriginal Land Rights Regulation 2002

**[1] Clause 102**

Omit the clause. Insert instead:

**102 Form of certificates**

- (1) The prescribed form of a dealing approval certificate for a land dealing relating to land vested in the New South Wales Aboriginal Land Council is Form 1 in Schedule 6.
- (2) The prescribed form of a dealing approval certificate for a land dealing relating to land vested in a Local Aboriginal Land Council is Form 2 in Schedule 6.
- (3) The prescribed form of a registration approval certificate for a registrable instrument relating to a land dealing by the New South Wales Aboriginal Land Council is Form 3 in Schedule 6.
- (4) The prescribed form of a registration approval certificate for a registrable instrument relating to a land dealing by a Local Aboriginal Land Council is Form 4 in Schedule 6.

**[2] Clause 104 Applications for approval of land dealings**

Omit “prepared by a registered valuer within the preceding 12 months” from clause 104 (2) (f).

**[3] Clause 113 Amount of community development levy**

Omit the note to clause 113 (1).

**[4] Schedule 6 Forms**

Omit Forms 1 and 2. Insert instead:

### **Form 1      Dealing approval certificate—land vested in New South Wales Aboriginal Land Council**

(Sections 41 (1) (a) and 42D (2) of the Aboriginal Land Rights Act 1983)

I [*name*] Chief Executive Officer of the New South Wales Aboriginal Land Council certify on [*date*] that the land dealing by the New South Wales Aboriginal Land Council specified in Schedule 1, being [*type of land dealing*], complies with Division 4 of Part 2 of the *Aboriginal Land Rights Act 1983* subject to the conditions, if any, set out in Schedule 2.

Schedule 1—Description of land dealing

Schedule 2—Conditions on land dealing

## 2010 No 123

Aboriginal Land Rights Amendment Regulation 2010

Schedule 1 Amendment of Aboriginal Land Rights Regulation 2002

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[signature]

Signed by the Chief Executive Officer  
of the New South Wales Aboriginal Land  
Council pursuant to section 42D (2) of the  
*Aboriginal Land Rights Act 1983*

### **Form 2 Dealing approval certificate—land vested in Local Aboriginal Land Council**

(Sections 41 (1) (b) and 42K (1) of the Aboriginal Land Rights Act 1983)

I [name] Chief Executive Officer of the New South Wales Aboriginal Land Council certify on [date] that the land dealing by the [name] Aboriginal Land Council specified in Schedule 1, being [type of land dealing], has been approved by the New South Wales Aboriginal Land Council under Division 4 of Part 2 of the *Aboriginal Land Rights Act 1983* subject to the conditions, if any, set out in Schedule 2.

Schedule 1—Description of land dealing

Schedule 2—Conditions on land dealing

[signature]

Signed by the Chief Executive Officer  
of the New South Wales Aboriginal Land  
Council pursuant to section 42K (1) of the  
*Aboriginal Land Rights Act 1983*

### **Form 3 Registration approval certificate—land vested in New South Wales Aboriginal Land Council**

(Sections 41 (2) and 42D (3) of the Aboriginal Land Rights Act 1983)

I [name] Chief Executive Officer of the New South Wales Aboriginal Land Council on [date] am satisfied that the instrument, being [type of instrument], specified in Schedule 1 is a registrable instrument giving effect to or forming part of a land dealing by the New South Wales Aboriginal Land Council that complies with Division 4 of Part 2 of the *Aboriginal Land Rights Act 1983* and certify that, as appropriate for the instrument:

- (a) the registration, under the *Real Property Act 1900*, of the instrument is authorised under the *Aboriginal Land Rights Act 1983*, or
- (b) the registration, under Division 3 of Part 23 of the *Conveyancing Act 1919*, of the instrument is authorised under the *Aboriginal Land Rights Act 1983*, or
- (c) the making of a recording in respect of the instrument in the Register or the General Register of Deeds is authorised under the *Aboriginal Land Rights Act 1983*.

Schedule 1—Description of instrument

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[signature]

Signed by the Chief Executive Officer  
of the New South Wales Aboriginal Land  
Council pursuant to section 42D (3) of the  
*Aboriginal Land Rights Act 1983*

**Form 4 Registration approval certificate—land  
vested in Local Aboriginal Land Council**

(Sections 41 (2) and 42K (2) of the Aboriginal Land Rights Act 1983)

I [name] Chief Executive Officer of the New South Wales Aboriginal Land  
Council on [date] am satisfied that:

- (a) the instrument, being [type of instrument], specified in Schedule 1 is a registrable instrument giving effect to or forming part of a land dealing by the [name] Aboriginal Land Council approved by the New South Wales Aboriginal Land Council under Division 4 of Part 2 of the *Aboriginal Land Rights Act 1983*, and
- (b) any conditions of that approval have been met, and
- (c) any community development levy payable in respect of that land dealing has been paid.

I certify that, as appropriate for the instrument:

- (a) the registration, under the *Real Property Act 1900*, of the instrument is authorised under the *Aboriginal Land Rights Act 1983*, or
- (b) the registration, under Division 3 of Part 23 of the *Conveyancing Act 1919*, of the instrument is authorised under the *Aboriginal Land Rights Act 1983*, or
- (c) the making of a recording in respect of the instrument in the Register or the General Register of Deeds is authorised under the *Aboriginal Land Rights Act 1983*.

Schedule 1—Description of instrument

[signature]

Signed by the Chief Executive Officer  
of the New South Wales Aboriginal Land  
Council pursuant to section 42K (2) of the  
*Aboriginal Land Rights Act 1983*