



New South Wales

Aboriginal Land Rights Amendment (Local Aboriginal Land Councils) Regulation 2015

under the

Aboriginal Land Rights Act 1983

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

LESLIE WILLIAMS, MP
Minister for Aboriginal Affairs

Explanatory note

The object of this Regulation is to amend the *Aboriginal Land Rights Regulation 2014* as a consequence of the amendments made to the *Aboriginal Land Rights Act 1983* by the *Aboriginal Land Rights Amendment Act 2014*, including making provision with respect to:

- (a) the making of a list, by the New South Wales Aboriginal Land Council, for approval by the Minister, of persons who may be appointed as an administrator of a Local Aboriginal Land Council, and
- (b) savings and transitional matters.

This Regulation is made under the *Aboriginal Land Rights Act 1983*, including sections 222 and 252 (the general regulation-making power) and clause 1A of Schedule 4.

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1 Name of Regulation

This Regulation is the *Aboriginal Land Rights Amendment (Local Aboriginal Land Councils) Regulation 2015*.

2 Commencement

This Regulation commences on 1 July 2015 and is required to be published on the NSW legislation website.

Schedule 1 **Amendment of Aboriginal Land Rights Regulation 2014**

[1] **Clause 95A**

Insert after clause 95:

95A List of Administrators for Local Aboriginal Land Councils

- (1) For the purposes of section 222 (1) of the Act, the New South Wales Aboriginal Land Council is to invite expressions of interest from persons seeking to be included in the list of persons who may be appointed as an administrator of a Local Aboriginal Land Council (the *administrator appointment list*) at least once in any 5 year period.
- (2) The New South Wales Aboriginal Land Council may consider an expression of interest from a person seeking to be included in the administrator appointment list whether or not the Council had invited expressions of interest or the period (if any) specified for the receipt of such expressions of interest has ended.
- (3) A determination as to whether a person who has submitted an expression of interest should be included in the administrator appointment list is to be made having regard to the following:
 - (a) the functions and objects of Local Aboriginal Land Councils,
 - (b) the person's knowledge of public sector governance and relevant legislation,
 - (c) the person's understanding of Aboriginal culture and heritage,
 - (d) the person's understanding of the role of Aboriginal Land Councils,
 - (e) the person's experience in the administration of not-for-profit organisations.
- (4) The New South Wales Aboriginal Land Council may submit to the Minister for the Minister's approval a proposal to:
 - (a) amend the administrator appointment list by adding specified persons to, or removing specified persons from, the list, or
 - (b) replace the administrator appointment list.
- (5) The New South Wales Aboriginal Land Council must not submit a proposal to remove a person from the administrator appointment list unless the Council has notified the person of the proposal and given the person a reasonable opportunity to submit an expression of interest indicating that the person wishes to continue to be included in the administrator appointment list.
- (6) If the New South Wales Aboriginal Land Council receives an expression of interest from a person who wishes to continue to be included in the administrator appointment list, the Council must determine whether or not to continue to include the person in the list in accordance with this clause before submitting the proposal to remove the person from the list to the Minister.

[2] Schedule 7

Insert after Schedule 6:

Schedule 7 Savings and transitional provisions

1 Continuation of list of administrators

- (1) The list of persons jointly prepared by the Chief Executive and the New South Wales Aboriginal Land Council under section 222 (1) of the Act as in force immediately before the amendment of that section by the *Aboriginal Land Rights Amendment Act 2014* is taken to be a list prepared by the New South Wales Aboriginal Land Council and approved by the Minister under that section as so amended.
- (2) This clause ceases to have effect on the earlier of:
 - (a) the approval of a list by the Minister under section 222 as amended, or
 - (b) 1 July 2016.

2 Term of office of Local Aboriginal Land Council Members

The amendment of section 63 of the Act by the *Aboriginal Land Rights Amendment Act 2014* extending, from 2 years to 4 years, the term of office of a board member of a Local Aboriginal Land Council does not apply so as to extend a term of office that commenced before the amendment of that section.