



New South Wales

# Aboriginal Land Rights Amendment Regulation 2023

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*.

DAVID HARRIS, MP  
Minister for Aboriginal Affairs and Treaty

## Explanatory note

The object of this regulation is to make miscellaneous amendments to the *Aboriginal Land Rights Regulation 2020* about Local Aboriginal Land Council membership rolls and the conduct of elections for New South Wales Aboriginal Land Council councillors.

## **Aboriginal Land Rights Amendment Regulation 2023**

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### **1 Name of regulation**

This regulation is the *Aboriginal Land Rights Amendment Regulation 2023*.

### **2 Commencement**

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

## **Schedule 1      Amendment of Aboriginal Land Rights Regulation 2020**

**[1]    Clause 56 Certification of roll**

Insert after clause 56(1)—

- (1A) For the Act, section 60(a), the copy of the membership roll sent under subclause (1) must—
- (a) list the members in alphabetical order by surname, and
  - (b) have a consecutive number listed next to each member.

**[2]    Clause 56(2)**

Omit “7 clear days”. Insert instead “14 clear days”.

**[3]    Clause 57**

Insert after clause 56—

**57    Regional electoral officers and deputy electoral officers to assist returning officer—the Act, s 121(2)**

- (1) The returning officer may appoint—
  - (a) a regional electoral officer for a Region to assist in taking the poll for an election of a councillor to represent the Region, and
  - (b) one or more deputy electoral officers to assist in taking the poll.
- (2) The regional electoral officer and deputy electoral officers are to assist the returning officer in the exercise of any of the returning officer’s functions that are specified by the returning officer.
- (3) A person who is nominated for election as a councillor cannot be appointed as a returning officer, regional electoral officer or deputy electoral officer in relation to that election.
- (4) If a person who is a regional electoral officer or deputy electoral officer becomes a candidate for an election, the person ceases to be the regional electoral officer or deputy electoral officer, as the case requires.
- (5) This clause is repealed on the commencement of the *Aboriginal Land Rights Amendment Act 2022*, Schedule 2.1[17].

**[4]    Clause 70 Distribution of postal ballot-papers**

Omit clause 70(4). Insert instead—

- (4) However, the elector may be permitted to vote if—
  - (a) either—
    - (i) the elector makes a declaration in an approved form that the elector has not received, or has lost, the ballot-paper or the declaration envelope or both, or
    - (ii) despite a mark on the roll that indicates a ballot-paper has been delivered or posted to the elector, the elector states that the elector has not applied to vote by post, and
  - (b) the elector makes a declaration in an approved form that the elector will not use the ballot-paper or the declaration envelope if the elector later receives or finds them.

**[5] Clause 72 Postal voting procedure**

Omit clause 72(4). Insert instead—

- (4) The elector must—
  - (a) post the envelope, or
  - (b) deliver the envelope to a regional electoral officer or a deputy electoral officer before 6pm on election day.
- (5) A regional electoral officer or deputy electoral officer who receives an envelope in accordance with subsection (4)(b) must, as soon as reasonably practicable, forward the envelope to the returning officer.

**[6] Clause 73 Preliminary scrutiny of postal votes and transmission to regional electoral officer**

Omit “fourth day” from clause 73(1). Insert instead “thirteenth day”.

**[7] Clause 84 Procedure for disputed votes**

Omit clause 84(1)(b).