

Passed by both Houses



New South Wales

# Aboriginal Land Rights Amendment (Housing) Bill 2011

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Aboriginal Land Rights Act 1983 No 42	3

---



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Council*  
2011

*Clerk of the Parliaments*



New South Wales

## **Aboriginal Land Rights Amendment (Housing) Bill 2011**

Act No     , 2011

---

An Act to amend the *Aboriginal Land Rights Act 1983* with respect to certain residential tenancy agreements and land dealing approval requirements.

---

  

---

**The Legislature of New South Wales enacts:**

**1    Name of Act**

This Act is the *Aboriginal Land Rights Amendment (Housing) Act 2011*.

**2    Commencement**

This Act commences on the date of assent to this Act.

---

## **Schedule 1      Amendment of Aboriginal Land Rights Act 1983 No 42**

### **[1] Section 4 Definitions**

Insert in alphabetical order in section 4 (1):

*residential tenancy agreement* has the same meaning as in the *Residential Tenancies Act 2010*.

*short-term residential tenancy agreement* means a residential tenancy agreement:

- (a) that is a fixed term agreement (within the meaning of the *Residential Tenancies Act 2010*) for a term of less than 3 years (including any option to renew the agreement) or is a periodic agreement (within the meaning of that Act), and
- (b) where the only parties to the agreement are a Local Aboriginal Land Council and one or more natural persons.

### **[2] Section 42E Approval required for land dealings by Local Aboriginal Land Councils**

Omit section 42E (2) (a). Insert instead:

- (a) a land dealing in relation to a lease for a period of less than 3 years (including any option to renew the lease) or a short-term residential tenancy agreement, other than a social housing management lease,

### **[3] Section 52G Functions exercised by Council resolution**

Omit section 52G (e). Insert instead:

- (e) approval of dealings with land (within the meaning of Division 4 of Part 2) and land dealing approval agreements (within the meaning of that Division), other than any such dealings or agreements that relate to short-term residential tenancy agreements,

### **[4] Section 62 Functions of Boards of Local Aboriginal Land Councils**

Omit “in accordance with this Act and the regulations and consistently with the community, land and business plan of the Council,” from section 62 (a).

### **[5] Section 62 (c1)**

Insert after section 62 (c):

- (c1) without limiting paragraph (a), to enter into short-term residential tenancy agreements in relation to land vested in the Council and to manage or terminate such agreements,

**[6] Section 62 (2)**

Insert at the end of section 62:

- (2) The functions of the Board of a Local Aboriginal Land Council are to be exercised in accordance with this Act and the regulations and consistently with the community, land and business plan of the Council.

**[7] Section 230 Limitations on certain land dealings by administrator**

Insert at the end of the section:

- (2) Despite subsection (1), the exercise by an administrator for a Local Aboriginal Land Council of any of the following functions does not require the consent of the Council:
  - (a) entering into a short-term residential tenancy agreement,
  - (b) the management of a short-term residential tenancy agreement,
  - (c) the termination of a short-term residential tenancy agreement.

**[8] Schedule 4 Savings, transitional and other provisions**

Insert at the end of clause 1A (1):

*Aboriginal Land Rights Amendment (Housing) Act 2011*

**[9] Schedule 4, Part 10**

Insert after Part 9:

**Part 10 Provisions consequent on enactment of  
Aboriginal Land Rights Amendment  
(Housing) Act 2011**

**54 Existing residential tenancy agreements**

- (1) In this clause:

*amending Act* means the *Aboriginal Land Rights Amendment (Housing) Act 2011*.

*commencement date* means the date of assent to the amending Act.

- (2) This clause applies to the following functions:
  - (a) the management of a short-term residential tenancy agreement,
  - (b) the termination of a short-term residential tenancy agreement.
- (3) The amendment of section 52G, 62 or 230 by the amending Act extends to the exercise of the functions to which this clause applies in relation to a short-term residential tenancy agreement entered into before the commencement date, but only to the extent that those functions are exercised on or after the commencement date.