

Aboriginal Land Rights Amendment Act 2014 No 75

[2014-75]



New South Wales

Status Information

Currency of version

Repealed version for 2 July 2015 to 2 April 2017 (accessed 23 December 2024 at 7:02)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Repeal**

This Act was repealed by sec 3 of the [Aboriginal Land Rights Amendment \(Local Aboriginal Land Councils\) Act 2017 No 1](#) with effect from 3.4.2017.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 3 April 2017

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Aboriginal Land Rights Amendment Act 2014 No 75



New South Wales

An Act to amend the *Aboriginal Land Rights Act 1983* to make provision with respect to Aboriginal Land Agreements; and for other purposes.

1 Name of Act

This Act is the *Aboriginal Land Rights Amendment Act 2014*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

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

[1]-[91] (Repealed)

[92] Section 216

Omit the section. Insert instead:

216 Appointment of investigator into Aboriginal Land Councils

- (1) The New South Wales Aboriginal Land Council must prepare a list of investigators in accordance with the regulations from which the Registrar may appoint an investigator to investigate the affairs, or specified affairs, of a Local Aboriginal Land Council and submit that list to the Minister for approval (the ***list of investigators***).
- (2) The Registrar may appoint, from the list of investigators, an investigator to investigate the affairs, or specified affairs, of a Local Aboriginal Land Council, including the efficiency and effectiveness of the Council, but only with the approval of the New South Wales Aboriginal Land Council.
- (3) The Minister may appoint an investigator to investigate the affairs, or specified affairs, of the New South Wales Aboriginal Land Council, including the efficiency and effectiveness of the Council.

- (4) If the Minister appoints an investigator to investigate the affairs of the New South Wales Aboriginal Land Council, the Minister must prepare a report in writing of the Minister's reasons for appointing the investigator to investigate the New South Wales Aboriginal Land Council.
- (5) The Minister is to cause a copy of such a report to be laid before both Houses of Parliament as soon as practicable after the investigator is appointed.
- (6) An investigator appointed under this section is to be paid out of the funds of the New South Wales Aboriginal Land Council. However, in the case of an investigator appointed to investigate the affairs, or specified affairs, of a Local Aboriginal Land Council, the New South Wales Aboriginal Land Council may recover that amount from the Council concerned.

[93] Section 217 Contents of investigator's instrument of appointment

Omit "the Minister appoints an investigator" from section 217 (1).

Insert instead "an investigator is appointed".

[94] Section 217 (1) (b)

Omit ", or the Minister". Insert instead "or to the Registrar".

[95], [96] (Repealed)

[97] Section 219 Investigator to report

Omit "Minister" from section 219 (b). Insert instead "Registrar".

[98] Section 220 Term of office of investigator may be extended

Omit "Minister" from section 220 (2). Insert instead "Registrar".

[99] Section 221 Investigator may be removed

Omit "Minister" from section 221 (2). Insert instead "Registrar".

[100]-[102] (Repealed)

[103] Section 222 Administrators—Local Aboriginal Land Councils

Omit "Minister" wherever occurring in section 222 (1) and (3). Insert instead "Registrar".

[104]-[107] (Repealed)

[108] Section 223A Notice of appointment of administrator

Omit "may," from section 223A (1). Insert instead "or Registrar must,".

[109] Section 223A (2)

Insert “or Registrar” after “The Minister”.

[110] Section 223B

Omit the section. Insert instead:

223B Interim actions pending appointment of administrator

- (1) The Minister or Registrar may, by notice in writing to an Aboriginal Land Council, take any of the following actions pending the appointment of an administrator for the Council by the Minister or Registrar:
 - (a) prohibit the Council from exercising specified functions or taking specified actions, except with the approval of the Minister or Registrar appointing the administrator, for a specified period,
 - (b) appoint a person to act as an interim administrator for the Council, with specified functions, for a period not exceeding 3 months.

Note—

Section 222 provides that the Registrar may appoint an administrator in respect of a Local Aboriginal Land Council and section 223 provides that the Minister may appoint an administrator in respect of the New South Wales Aboriginal Land Council.

- (2) A notice under this section ceases to have effect if an administrator is appointed under this Division or the Minister or Registrar notifies the Council, in writing, that an administrator will not be appointed.
- (3) The Minister or Registrar must notify the Aboriginal Land Council in writing if the decision is made not to appoint an administrator.
- (4) The Minister or Registrar may revoke or vary a notice prohibiting the Council from exercising specified functions or taking specified actions or appointing a person to act as an interim administrator.
- (5) Any person who knowingly contravenes a prohibition in a notice given under this section, or causes an Aboriginal Land Council to contravene such a provision, is guilty of an offence.

Maximum penalty:

- (a) in the case of an individual—60 penalty units, or
 - (b) in the case of a corporation—150 penalty units.
- (6) Section 223A does not apply in respect of the appointment of an administrator

under this section so as to require notice to be given before the proposed appointment. However the Minister or Registrar must, at the time of the appointment, give the notice referred to in that section and, if written representations are received from any person or body to whom notice was given, review the appointment of the administrator taking into account any such representations.

[111] Section 224 Contents of administrator’s instrument of appointment

Omit “the Minister appoints an administrator” from section 224 (1).

Insert instead “an administrator is appointed”.

[112] Section 225 Certain persons ineligible to be administrators

Insert “or Registrar” after “Minister”.

[113]-[115] (Repealed)

[116] Section 229 Administrator to report monthly

Omit “Minister” from section 229 (1) (a). Insert Instead “Registrar”.

[117] Section 229 (3)

Omit the subsection. Insert instead:

- (3) Directions concerning the form and content of such reports may be given to the administrator by:
 - (a) if the administrator is appointed for the New South Wales Aboriginal Land Council—the Minister, or
 - (b) if the administrator is appointed for a Local Aboriginal Land Council—the Registrar.

[118] (Repealed)

[119] Section 231 Term of office of administrator may be extended

Omit “Minister” from section 231 (2). Insert instead “Registrar”.

[120] Section 231 (3)

Insert “or Registrar” after “Minister”.

[121] Section 232 Administrator may be removed

Omit “Minister” from section 232 (2). Insert instead “Registrar”.

[122] Section 234 Appointment of advisors

Omit section 234 (1). Insert instead:

- (1) The Registrar may appoint an advisor to the Board of a Local Aboriginal Land Council if the Registrar is of the opinion that the Council or the Board of the Council requires assistance in the exercise of functions under this Act.

[123] (Repealed)

[124] Section 234 (4)

Omit “by the Minister”.

[125]-[136] (Repealed)