

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to amend the *Aboriginal Land Rights Act 1983* to facilitate the entering into and management of residential tenancy agreements of less than 3 years, or periodic agreements, by Boards of Local Aboriginal Land Councils where the other parties to the agreements are natural persons.

### Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

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

**Schedule 1 [1]** amends section 4 of the Act to define certain terms for the purposes of the Act.

**Residential tenancy agreement** has the same meaning as in the *Residential Tenancies Act 2010* and a **short-term residential tenancy agreement** is defined as a fixed term agreement of less than 3 years or a periodic agreement (within the meaning of that Act), entered into by a Local Aboriginal Land Council where the only other party to the agreement is a natural person.

**Schedule 1 [2]** amends section 42E of the Act (which prevents a Local Aboriginal Land Council from dealing with land unless the land dealing has the approval of the New South Wales Aboriginal Land Council) so as to exempt land dealings in relation to short-term residential tenancy agreements from the operation of the section. Leases of less than 3 years are already exempted.

**Schedule 1 [3]** amends section 52G of the Act to provide that a resolution of the voting members of a Local Aboriginal Land Council is not required to give approval to dealings with land and land dealing approval agreements relating to short-term residential tenancy agreements.

**Schedule 1 [5]** amends section 62 of the Act to confer directly on the Board of a Local Aboriginal Land Council the functions of entering into short-term residential tenancy agreements in relation to land vested in the Council and managing and terminating those agreements.

**Schedule 1 [4] and [6]** amend section 62 of the Act to make it clear that the Board of a Local Aboriginal Land Council must exercise all of its functions in accordance with the Act and the regulations and consistently with the community, land and business plan of the Council.

**Schedule 1 [7]** amends section 230 of the Act to make it clear that the section, which currently prevents an administrator for a Local Aboriginal Land Council from disposing of or otherwise dealing with land of the Council without the Council's approval given at a meeting of the Council, does not require the administrator to obtain the consent of the Council when entering into short-term residential tenancy agreements in relation to land vested in the Council or managing or terminating those agreements.

**Schedule 1 [8]** amends Schedule 4 to the Act to enable regulations to be made of a savings or transitional nature consequent on the enactment of the proposed Act.

**Schedule 1 [9]** amends Schedule 4 to the Act to ensure that the proposed amendments to sections 52G, 62 and 230 of the Act will extend to the future exercise of functions in relation to short-term residential tenancy agreements entered into before the commencement of those amendments.