

FIRST PRINT

**ABORIGINAL LAND RIGHTS (ABORIGINAL OWNERSHIP
OF PARKS) AMENDMENT BILL 1991**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the National Parks and Wildlife (Aboriginal Ownership) Amendment Bill 1991.

The object of this Bill is to amend the Aboriginal Land Rights Act 1983 to enable:

- (a) the New South Wales Aboriginal Land Council to enter into negotiations with the Minister administering the National Parks and Wildlife Act 1974 (the 1974 Act) to secure the vesting in that Council or a Local Aboriginal Land Council of land which is reserved or dedicated under the 1974 Act and which is of special cultural significance to Aborigines; and
- (b) the Aboriginal Land Council in which the land is vested to lease the land to the Minister administering the 1974 Act; and
- (c) the leased land to be the subject of reservation or dedication under the 1974 Act; and
- (d) the Aboriginal Land Council in which the land is vested to participate, in accordance with the lease, in the management of the land.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a proclaimed day or proclaimed days.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Aboriginal Land Rights Act 1983.

Aboriginal Land Rights (Aboriginal Ownership of Parks) Amendment 1991

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) proposes amendment of section 12 of the Act, relating to the functions of Local Aboriginal Land Councils, to enable such Councils to request the New South Wales Aboriginal Land Council to negotiate the acquisition and lease of specified land reserved or dedicated under the 1974 Act on their behalf and to subsequently participate, in accordance with the lease, in the management of that land.

Schedule 1 (2) proposes amendment of section 23 of the Act, relating to the functions of the New South Wales Aboriginal Land Council, to enable that Council to negotiate the acquisition and lease of specified land reserved or dedicated under the 1974 Act and to subsequently participate, in accordance with the lease, in its management.

Schedule 1 (3) proposes that section 40B of the Act be amended to formally grant power to enable leases to be executed and land to be reserved or dedicated as required by the 1974 Act.

FIRST PRINT

**ABORIGINAL LAND RIGHTS (ABORIGINAL OWNERSHIP
OF PARKS) AMENDMENT BILL 1991**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Aboriginal Land Rights Act 1983 No. 42

SCHEDULE 1—AMENDMENTS

**ABORIGINAL LAND RIGHTS (ABORIGINAL OWNERSHIP
OF PARKS) AMENDMENT BILL 1991**

NEW SOUTH WALES



No. , 1991

A BILL FOR

An Act to amend the Aboriginal Land Rights Act 1983 relating to the lease of certain land vested in Aboriginal Land Councils under the National Parks and Wildlife Act 1974 to the Minister administering that Act; and for other purposes.

Aboriginal Land Rights (Aboriginal Ownership of Parks) Amendment 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Aboriginal Land Rights (Aboriginal Ownership of Parks) Amendment Act 1991.

Commencement

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

Amendment of Aboriginal Land Rights Act 1983 No. 42

3. The Aboriginal Land Rights Act 1983 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) **Section 12 (Functions of a Local Aboriginal Land Council):**

(a) After section 12 (b), insert:

(b1) to make applications in writing to the New South Wales Aboriginal Land Council to negotiate on its behalf the acquisition and lease of lands comprising the national park, historic sites or nature reserve listed in Schedule 5 to the National Parks and Wildlife Act 1974 which are to be vested directly in the Local Aboriginal Land Council and leased by it to the Minister administering that Act in accordance with Part 4A of that Act; and

(b) After section 12 (h), insert:

(h1) to participate, in accordance with the terms of a lease in force under Part 4A of the National Parks and Wildlife Act 1974, in the management of lands vested in the Local Aboriginal Land Council under that Part; and

(2) **Section 23 (Functions of the Council):**

(a) After section 23 (c), insert:

(c1) to negotiate on its own behalf the acquisition and lease of lands comprising the national park, historic sites or nature reserve listed in Schedule 5 to the National

SCHEDULE 1—AMENDMENTS—*continued*

Parks and Wildlife Act 1974 which are to be vested in and leased by it to the Minister administering that Act in accordance with Part 4A of that Act;

(c2) to negotiate on behalf of a Local Aboriginal Land Council the acquisition and lease of lands comprising the national park, historic sites or nature reserve listed in Schedule 5 to the National Parks and Wildlife Act 1974 which are to be vested directly in the Local Aboriginal Land Council and leased by it to the Minister administering that Act in accordance with Part 4A of that Act;

(b) After section 23 (h), insert:

(h1) to participate, in accordance with the terms of a lease in force under Part 4A of the National Parks and Wildlife Act 1974, in the management of lands vested in it under that Part;

(3) Section 40B (**Lease, use etc. of land**):

(a) After section 40B (1), insert:

(1A) Without limiting subsection (1), the New South Wales Aboriginal Land Council is authorised to lease lands which have been vested in it pursuant to Part 4A of the National Parks and Wildlife Act 1974 to the Minister administering that Act as required by that Part.

(b) After section 40B (4), insert:

(5) A Local Aboriginal Land Council is authorised, subject to the requirements of this section, to lease lands which have been vested in the Council pursuant to Part 4A of the National Parks and Wildlife Act 1974 to the Minister administering that Act as required by that Part.

(6) Nothing in this Act prevents lands which are the subject of a lease under subsection (1A) or (5) being reserved as a national park or historic site or dedicated as a nature reserve as required by Part 4A of the National Parks and Wildlife Act 1974.
