



## **ABORIGINAL LANDS TRUST (MISCELLANEOUS) AMENDMENT ACT 1993**

**No. 16 of 1993**

### **SUMMARY OF PROVISIONS**

**Section**

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**ELIZABETHAE II REGINAE**

A.D. 1993

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No. 16 of 1993

**An Act to amend the Aboriginal Lands Trust Act 1966.**

[Assented to 8 April 1993]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Aboriginal Lands Trust (Miscellaneous) Amendment Act 1993*.

(2) The *Aboriginal Lands Trust Act 1966* is referred to in this Act as “the principal Act”.

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Amendment of s. 6—Membership of Trust**

3. Section 6 of the principal Act is amended by striking out subsection (5) and substituting the following subsections:

(5) The Governor may appoint a person as the deputy of a member of the Trust and a person so appointed may, in the absence of the member of whom he or she is deputy, act as a member of the Trust and exercise and perform the powers and functions of that member.

(6) Where the appointment of a member of the Trust is on the recommendation of a community, the appointment of a person as the deputy of the member must also be on the recommendation of that community.

(7) An act done or purported to have been done by a person as a deputy of a member may not be called into question on the ground that the occasion for the person’s so acting had not arisen or had ceased.

**Amendment of s. 10—Meetings and quorum**

4. Section 10 of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) The Minister's Representative is entitled (but is not required) to be present at a meeting of the Trust.

**Insertion of new s. 11a**

5. The following section is inserted after section 11 of the principal Act:

**Delegation by Trust**

11a. (1) Subject to this section, the Trust may delegate any of its functions or powers to a member or committee of members of the Trust.

(2) The Trust may not delegate any of the following functions or powers:

- (a) the granting of a lease in respect of any land vested in the Trust pursuant to this Act;
- (b) the appointment under section 16aa of a manager or management committee in respect of land the subject of a lease granted by the Trust;
- (c) the approval of expenditure in an amount exceeding \$5 000;
- (d) the appointment of an officer or employee of the Trust or the determination of any matter relating to the terms and conditions or termination of the appointment or employment of an officer or employee of the Trust;
- (e) the making of any recommendation to the Minister as to legislative amendment;
- (f) the power of delegation conferred by this section.

(3) A delegation under this section—

- (a) must be by instrument in writing; and
- (b) may be unconditional or subject to conditions (including, where the delegation is to a committee, conditions governing the procedures of the committee); and
- (c) does not derogate from the power of the Trust to act itself in any matter; and

(d) may be revoked at any time by the Trust.

#### **Insertion of new s. 16aa**

6. The following section is inserted after section 16 of the principal Act:

#### **Appointment of manager or management committee in respect of land leased by Trust**

**16aa.** (1) The Trust may—

- (a) at the request of the lessee under a lease granted by the Trust in respect of land vested in it pursuant to this Act; or
- (b) with the consent of the Minister, where the Trust is satisfied that land the subject of such a lease is not being properly managed by the lessee for the benefit of the Aboriginal community for whose benefit the lease was granted,

appoint a manager or management committee in respect of the land.

(2) Where the Trust appoints a manager or management committee in respect of land the subject of a lease, the manager or management committee—

- (a) has all the powers, functions and duties of the lessee in respect of the land and may act in the name of and on behalf of the lessee; and
- (b) must report regularly to the Trust on the management of the land.

(3) Subject to any directions of the Trust, a management committee appointed under this section may determine its own procedures.

(4) A manager or member of a management committee appointed under this section is, if the Trust so determines, entitled to remuneration of an amount determined by the Trust.

(5) The remuneration of the manager or a member of the management committee and all other costs and expenses arising out of the management of the land are payable by the Trust but are recoverable by the Trust as a debt from the lessee.

(6) The manager or management committee may, by notice in writing, require the lessee or any person who has been involved in the management of the land to report (orally or in writing) on such matters relating to the management of the land as may be specified in the notice.

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(7) A person who fails to comply with a requirement made under subsection (6) is guilty of a summary offence.

Penalty: Division 6 fine.

(8) A manager or management committee appointed by the Trust must, on the termination of the appointment, fully account to the Trust for the management of the land.

(9) The Governor may, by regulation, make any provision in relation to the management of land by a manager or management committee appointed under this section.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor