Indigenous Affairs Legislation Amendment Bill 2011

No. , 2011

(Families, Housing, Community Services and Indigenous Affairs)

A Bill for an Act to amend the law relating to Aboriginal land rights, the Indigenous Land Corporation and the Torres Strait Regional Authority, and for related purposes
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A Bill for an Act to amend the law relating to Aboriginal land rights, the Indigenous Land Corporation and the Torres Strait Regional Authority, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the Indigenous Affairs Legislation Amendment Act 2011.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.
## Commencement information

<table>
<thead>
<tr>
<th>Provision(s)</th>
<th>Commencement</th>
<th>Date/Details</th>
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<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day this Act receives the Royal Assent.</td>
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<tr>
<td>2. Schedules 1 and 2</td>
<td>The day after this Act receives the Royal Assent.</td>
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<td>3. Schedule 3</td>
<td>A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.</td>
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Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act. Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Scheduling of land

Aboriginal Land Rights (Northern Territory) Act 1976

1 Part 4 of Schedule 1 (after the item relating to BAUHINIA DOWNS)

Insert:

BORROLOOLA

All that land near Borroloola in the Northern Territory comprising:

(a) the whole of Northern Territory Portion 2177 delineated on Survey Plan S2000/169 lodged with the Surveyor-General, Darwin, known as Rarranggilawunyara and in the locality of Pellew Islands in the Northern Territory and containing an area of approximately 5.62 hectares; and

(b) the whole of Northern Territory Portion 2178 delineated on Survey Plan S2000/169 lodged with the Surveyor-General, Darwin, known as Niwawunala and in the locality of Pellew Islands in the Northern Territory and containing an area of approximately 2.66 hectares; and

(c) the whole of Northern Territory Portion 2179 delineated on Survey Plan S2000/169 lodged with the Surveyor-General, Darwin, known as Wanadjurara and in the locality of Pellew Islands in the Northern Territory and containing an area of approximately 6,840 square metres; and

(d) the whole of Northern Territory Portion 2180 delineated on Survey Plan S2000/169 lodged with the Surveyor-General, Darwin, known as Alolo and in the locality of Pellew Islands in the Northern Territory and containing an area of approximately 7.51 hectares; and

(e) the whole of Northern Territory Portion 3900 delineated on Survey Plan S90/252D lodged with the Surveyor-General, Darwin, known as Batten Point and in the locality of McArthur in the Northern Territory and containing an area of approximately 201.8 hectares; and

(f) delineated on Survey Plan S90/316B lodged with the Surveyor-General, Darwin, known as North Island and in the locality of Pellew Islands in the Northern Territory and containing an area of approximately 6,607 hectares.
Schedule 1  Scheduling of land

2  Part 4 of Schedule 1 (after the item relating to PATTA)

Insert:

   PORT PATTERSON ISLANDS
   All that land being the whole of Northern Territory Portion 2621
delineated on Survey Plan S83/282 lodged with the
Surveyor-General, Darwin, known as Port Patterson Islands and in
the locality of Bynoe Harbour in the Northern Territory and
containing an area of approximately 591.4 hectares.
Schedule 2—Indigenous Land Corporation

Aboriginal and Torres Strait Islander Act 2005

1 After subsection 191F(2)

Insert:

**Supporting native title settlements**

(2A) The Indigenous Land Corporation must have regard to any guidelines in force under section 191HA:

(a) in deciding whether to perform its functions in support of a native title settlement; and

(b) if it decides to perform its functions in support of a native title settlement—in performing its functions in support of that settlement.

Note: The *Native Title Act 1993* deals with making and resolving native title claims.

2 After section 191H

Insert:

191HA Ministerial guidelines about supporting native title settlements

The Minister may, by legislative instrument, make guidelines for the purposes of subsection 191F(2A).

3 After subsection 191I(1)

Insert:

**Interaction with guidelines under section 191HA**

(1A) Guidelines referred to in subsection (1) have no effect to the extent to which they are inconsistent with guidelines referred to in section 191HA.

Note: The heading to section 191I is altered by omitting “Guidelines” and substituting “Indigenous Land Corporation guidelines”.

4 Subsection 191I(2)
After “guidelines”, insert “referred to in subsection (1)”. 

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Schedule 3—Torres Strait Regional Authority elections

Aboriginal and Torres Strait Islander Act 2005

1 Subsection 4(1) (definition of Queensland Act)
   Repeal the definition.

2 Subsection 142R(1)
   Omit “notice”, substitute “instrument”.

3 Section 142S
   Repeal the section, substitute:

142S Minister may determine manner of representation on TSRA
   (1) The Minister may, by legislative instrument, make provision for
   and in relation to how the TSRA is to be constituted.

   (2) Without limiting subsection (1), an instrument under that
   subsection may:
   (a) provide for some or all of the members of the TSRA to be
   elected under this Act to be representatives of a specified
   kind; and
   (b) provide for the method and timing of election of those
   members; and
   (c) provide for the term of office of those members.

   (3) An instrument under subsection (1) may also make provision in
   relation to the operation of the TSRA.

   (4) If the eligible number has changed, the Minister may amend an
   instrument under subsection (1) in connection with the change.

   (5) Subsection (4) does not limit the Minister’s power to revoke,
   amend or vary an instrument under subsection (1).

   (6) An instrument under subsection (1) has effect according to its
   terms.
4 **Subsection 142TA(3)**
   Omit “a notice”, substitute “an instrument”.

5 **Paragraph 142TA(5)(b)**
   Omit “a notice”, substitute “an instrument”.

6 **Subsection 142Y(1)**
   Omit “Subject to this section, TSRA elections must be held every 3 years”, substitute “TSRA elections must be held every 4 years”.

7 **Subsection 142Y(3)**
   Repeal the subsection.

8 **Subsection 143R(1)**
   Omit “a notice under paragraph 142S(2)(a) or (b)”, substitute “an instrument under section 142S”.