



Aboriginal Land Rights (Northern Territory) Amendment (Township Leasing) Act 2007

No. 121, 2007

An Act to amend the *Aboriginal Land Rights (Northern Territory) Act 1976*, and for related purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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An Act to amend the *Aboriginal Land Rights (Northern Territory) Act 1976*, and for related purposes

[Assented to 28 June 2007]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Aboriginal Land Rights (Northern Territory) Amendment (Township Leasing) Act 2007*.

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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		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	28 June 2007
2. Schedule 1	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.	1 July 2007 (<i>see</i> F2007L01932)
3. Schedule 2, item 1	Immediately after the commencement of item 147 of Schedule 1 to the <i>Aboriginal Land Rights (Northern Territory) Amendment Act 2006</i> .	1 July 2007
4. Schedule 2, item 2	Immediately after the time specified in the <i>Aboriginal Land Rights (Northern Territory) Amendment Act 2006</i> for the commencement of item 111 of Schedule 1 to that Act.	1 July 2007
5. Schedule 2, item 3	Immediately after the commencement of item 224 of Schedule 1 to the <i>Aboriginal Land Rights (Northern Territory) Amendment Act 2006</i> .	1 July 2007

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or 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.

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Schedule 1—Main amendments

Aboriginal Land Rights (Northern Territory) Act 1976

1 After Part II

Insert:

Part IIA—Executive Director of Township Leasing

Division 1—Establishment of the Executive Director of Township Leasing

20B Executive Director of Township Leasing

There is to be an Executive Director of Township Leasing.

Note: Division 3 deals with the appointment and terms and conditions of the Executive Director.

Division 2—Functions of the Executive Director

20C Functions of the Executive Director

The functions of the Executive Director are:

- (a) to enter into, on behalf of the Commonwealth, leases under section 19A; and
- (b) to administer leases granted to the Commonwealth under section 19A, including administering subleases and other rights and interests derived from such leases, in accordance with their terms and conditions; and
- (c) any other functions that are prescribed by the regulations, being functions relating to the matters referred to in paragraph (a) or (b).

Division 3—Administrative provisions about the Executive Director

20D Appointment of Executive Director

- (1) The Executive Director is to be appointed by the Governor-General by written instrument.
- (2) The Executive Director holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

20E Appointment to be full-time

The Executive Director holds office on a full-time basis.

20F Terms and conditions—general

The Executive Director holds office on the terms and conditions (if any) in relation to matters not covered by this Division that are determined by the Governor-General.

20G Remuneration and allowances

- (1) The Executive Director is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the Executive Director is to be paid the remuneration that is prescribed by the regulations.
- (2) The Executive Director is to be paid the allowances that are prescribed by the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

20H Executive Director not to engage in paid employment

The Executive Director must not engage in paid employment outside the duties of his or her office without the Minister's approval.

20J Acting Executive Director

- (1) The Minister may appoint a person to act as the Executive Director:
 - (a) during a vacancy in the office of the Executive Director (whether or not an appointment has previously been made to the office); or
 - (b) during any period, or during all periods, when the Executive Director is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

Note: Section 33A of the *Acts Interpretation Act 1901* contains provisions relating to acting appointments.

- (2) Anything done by or in relation to a person purporting to act under an appointment is not invalid merely because:
 - (a) the occasion for the appointment had not arisen; or
 - (b) there was a defect or irregularity in connection with the appointment; or
 - (c) the appointment had ceased to have effect; or
 - (d) the occasion to act had not arisen or had ceased.

20K Leave of absence

- (1) The Executive Director has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Minister may grant the Executive Director leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.

20L Resignation

The Executive Director may resign his or her appointment by giving the Governor-General a written resignation.

20M Termination of appointment

- (1) The Governor-General may terminate the appointment of the Executive Director for misbehaviour or physical or mental incapacity.

- (2) The Governor-General must terminate the appointment of the Executive Director if:
- (a) the Executive Director:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with his or her creditors; or
 - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
 - (b) the Executive Director is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
 - (c) the Executive Director engages, except with the Minister's approval, in paid employment outside the duties of his or her office; or
 - (d) the Executive Director fails, without reasonable excuse, to comply with section 20N.

20N Disclosure of interests

The Executive Director must give written notice to the Minister of all interests, pecuniary or otherwise, that the Executive Director has or acquires that could conflict with the proper performance of the Executive Director's functions.

Division 4—Staff and consultants

20P Staff

The staff required to assist the Executive Director are to be persons engaged under the *Public Service Act 1999* and made available for the purpose by the Secretary of the Department.

20Q Consultants

- (1) The Executive Director may, on behalf of the Commonwealth, engage consultants to perform services for the Executive Director.
- (2) The consultants are to be engaged on the terms and conditions that the Executive Director determines in writing.

Division 5—Annual report

20R Annual report

Annual report to be given to Minister

- (1) The Executive Director must, as soon as practicable after the end of each financial year, prepare and give to the Minister, for presentation to the Parliament, a report on the operations of the Executive Director during that year.

Note: See also section 34C of the *Acts Interpretation Act 1901*, which contains extra rules about annual reports.

Other reports

- (2) The Executive Director must give to the Minister such additional reports as the Minister requests and may give to the Minister such other reports as the Executive Director thinks fit.

Division 6—Repeal of Part

20S Repeal of Part

- (1) If:
 - (a) one or more leases have been granted to the Commonwealth under section 19A; and
 - (b) each such lease has been transferred to an approved entity other than the Commonwealth; and
 - (c) the Minister is satisfied that there is no reasonable likelihood of the Executive Director entering into, on behalf of the Commonwealth, another lease under that section; and
 - (d) the Executive Director has given a report to the Minister under subsection 20R(1) for the last financial year; and
 - (e) the Executive Director has given a report to the Minister under subsection 20R(2) on the operations of the Executive Director for the part of the current financial year requested by the Minister;the Minister may, by legislative instrument, specify a day on which this Part is to be repealed.
- (2) This Part is repealed at the beginning of that day.

Schedule 2—Technical amendments

Aboriginal Land Rights (Northern Territory) Act 1976

1 Subsection 48B(1)

Omit “a” (last occurring).

Note: This item corrects a grammatical error in the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Aboriginal Land Rights (Northern Territory) Amendment Act 2006

2 Item 111 of Schedule 1

Omit “either,”, substitute “either”.

Note: This item corrects a misdescription of text in the *Aboriginal Land Rights (Northern Territory) Act 1976*.

3 Subitem 224(3) of Schedule 1

Omit “117”, substitute “116”.

Note: This item corrects an incorrect cross-reference.

[Minister’s second reading speech made in—
House of Representatives on 24 May 2007
Senate on 14 June 2007]

(94/07)

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