



# **Aboriginal and Torres Strait Islander Amendment (Indigenous Land Corporation) Act 2018**

**No. 144, 2018**

**An Act to extend the functions of the Indigenous  
Land Corporation to rights in relation to water,  
and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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**No. 144, 2018**

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**An Act to extend the functions of the Indigenous  
Land Corporation to rights in relation to water,  
and for related purposes**

*[Assented to 30 November 2018]*

The Parliament of Australia enacts:

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*No. 144, 2018      Aboriginal and Torres Strait Islander Amendment (Indigenous Land  
Corporation) Act 2018      1*

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## 1 Short title

This Act is the *Aboriginal and Torres Strait Islander Amendment (Indigenous Land Corporation) Act 2018*.

## 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.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	30 November 2018
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	1 February 2019 (F2018N00194)
3. Schedule 2, Part 1	At the same time as the provisions covered by table item 2.	1 February 2019
4. Schedule 2, Part 2	At the same time as the provisions covered by table item 2. However, the provisions do not commence at all if Schedule 1 to the <i>Aboriginal and Torres Strait Islander Land and Sea Future Fund (Consequential Amendments) Act 2018</i> commences at or before that time.	Never commences

Note: This table relates only to the provisions of this Act as originally enacted.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.

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- (2) 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 Schedules**

Legislation 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—Extending functions to rights in relation to water

### *Aboriginal and Torres Strait Islander Act 2005*

#### 1 Subsection 4(1)

Insert:

*acquisition functions* has the meaning given by subsection 191D(1).

*indigenous waters* means water, or waters, in relation to which water-related rights are held by:

- (a) an Aboriginal or Torres Strait Islander corporation; or
  - (b) an Aboriginal person or a Torres Strait Islander;
- (whether or not water-related rights in relation to the water or waters are held by any other person).

*internal waters of Australia* has the same meaning as in the *Seas and Submerged Lands Act 1973*.

*management functions* has the meaning given by subsection 191E(1).

*national indigenous land and sea strategy* means the strategy prepared under section 191N.

#### 2 Subsection 4(1) (definition of *national indigenous land strategy*)

Repeal the definition.

#### 3 Subsection 4(1)

Insert:

*regional indigenous land and sea strategy* means a strategy prepared under section 191P.



**4 Subsection 4(1) (definition of *regional indigenous land strategy*)**

Repeal the definition.

**5 Subsection 4(1)**

Insert:

*water-related right* has the meaning given by section 4C.

**6 After section 4B**

Insert:

**4C Water-related rights**

- (1) A *water-related right* means any legal or equitable right or interest in, or in relation to, water or waters (including the internal waters of Australia) within the outer limits of the exclusive economic zone of Australia.
- (2) A right to do any of the following is an example of a *water-related right*:
  - (a) take or receive water;
  - (b) retain or use water taken;
  - (c) take resources from waters;
  - (d) undertake an activity in or on waters.
- (3) A reference in this section to water includes surface water and ground water.

**7 Paragraph 191B(a)**

After “land”, insert “and water-related rights”.

**8 Paragraph 191B(b)**

After “land”, insert “and indigenous waters”.

**9 Paragraph 191C(a)**

Omit “*land acquisition functions*”, substitute “acquisition functions”.

**10 Paragraph 191C(b)**

Omit “*land management functions*”, substitute “management functions”.

**11 Section 191D (heading)**

Omit “**Land acquisition**”, substitute “**Acquisition**”.

**12 Subsection 191D(1)**

Omit “*land*”.

**13 Paragraphs 191D(1)(a) and (b)**

After “interests in land”, insert “, and water-related rights,”.

**14 Paragraphs 191D(1)(c) and (d)**

After “interests in land”, insert “and water-related rights”.

**15 Subsection 191D(1) (note 1)**

Repeal the note, substitute:

Note 1: *Interest*, in relation to land, is defined by section 4.

Note 1A: *Water-related right* is defined by section 4C.

**16 Subsection 191D(1A)**

After “an interest in land”, insert “, or a water-related right,”.

**17 Subsection 191D(3)**

Omit “land acquisition”, substitute “acquisition”.

**18 Subparagraph 191D(3)(a)(i)**

Omit “and granting the interests”, substitute “, and water-related rights, and granting the interests and rights”.

**19 Subparagraph 191D(3)(a)(ii)**

After “interests in land”, insert “or water-related rights”.

**20 Paragraph 191D(3)(b)**

After “interest in land”, insert “, or a water-related right,”.

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**21 Paragraph 191D(3)(b)**

After “grant of the interest”, insert “or right”.

**22 Subsection 191D(4)**

Repeal the subsection, substitute:

*Searches under Native Title Act*

- (4) In performing its acquisition functions, the Indigenous Land and Sea Corporation must search any relevant Registers of the National Native Title Tribunal to ascertain whether any claims have been lodged or accepted or determined in relation to:
- (a) land under consideration for acquisition; or
  - (b) waters, in relation to which water-related rights are under consideration for acquisition.

**23 Section 191E (heading)**

Omit “**Land management**”, substitute “**Management**”.

**24 Subsection 191E(1)**

Omit “*land*”.

**25 Paragraphs 191E(1)(a), (b) and (c)**

Omit “land management”, substitute “management”.

**26 After paragraph 191E(1)(c)**

Insert:

- (ca) to carry on, or arrange for the carrying on of, management activities in relation to indigenous waters;
- (cb) to carry on, or arrange for the carrying on of, management activities in relation to water, or waters, in relation to which the Indigenous Land Corporation holds water-related rights;

**27 Paragraphs 191E(1)(d), (e) and (f)**

Repeal the paragraphs, substitute:

- (d) to make grants of money for the carrying on of management activities in relation to indigenous-held land and indigenous waters;

- (e) to make loans of money (whether secured or unsecured) for the purpose of carrying on management activities in relation to indigenous-held land and indigenous waters;
- (f) to guarantee loans made for the purpose of carrying on management activities in relation to indigenous-held land and indigenous waters.

**28 Subsection 191E(1) (note 1)**

Omit “*Land management*”, substitute “*Management*”.

**29 At the end of subsection 191E(1)**

Add:

Note 4: *Indigenous waters* is defined by section 4.

**30 Subsection 191E(1A) (heading)**

Omit “*Land management*”, substitute “*Management*”.

**31 Subsection 191E(1A)**

Omit “land management”, substitute “management”.

**32 After subsection 191E(1A)**

Insert:

*Management activities relating to indigenous waters*

- (1B) Paragraph (1)(ca) does not authorise the Indigenous Land and Sea Corporation to carry on a management activity in relation to indigenous waters in a manner inconsistent with the rights and interests of other persons.

**33 Subsection 191E(3)**

Omit “land management functions”, substitute “management functions”.

**34 Paragraph 191E(3)(a)**

After “land”, insert “, water”.

**35 Paragraphs 191E(3)(b) and (c)**

Omit “land management activities”, substitute “management activities”.

**36 Subsection 191E(5) (definition of *land management activities*)**

Repeal the definition.

**37 Subsection 191E(5)**

Insert:

*management activities* means activities that consist of, or relate to, the managed use, care or improvement of land, water or waters, and includes the following:

- (a) carrying on a business that involves the use, care or improvement of land, water or waters;
  - (b) providing any of the following services (whether on a commercial basis or otherwise) in connection with a business that involves the use, care or improvement of land, water or waters:
    - (i) management services;
    - (ii) clerical or administrative services;
    - (iii) services relating to financial administration;
    - (iv) technical or professional services;
    - (v) advisory services;
    - (vi) similar services;
  - (c) providing environmental management services (whether on a commercial basis or otherwise) in relation to the use, care or improvement of land, water or waters;
  - (d) providing training (whether on a commercial basis or otherwise) in the skills and knowledge relevant to:
    - (i) the carrying on of a business that involves the use, care or improvement of land, water or waters; or
    - (ii) the managed use, care or improvement of land, water or waters;
  - (e) disseminating information (whether on a commercial basis or otherwise) about:
    - (i) land management practices and water management practices; and
-

- (ii) environmental management practices relating to land, water or waters.

**38 Subsection 191G(7)**

Omit “land acquisition functions or land”, substitute “acquisition functions or”.

**39 Section 191I (heading)**

Omit “land acquisition and land”, substitute “acquisition functions and”.

**40 Section 191J (at the end of the heading)**

Add “or water-related rights”.

**41 Subparagraphs 191J(1)(a)(i) and (ii)**

After “in land”, insert “or a water-related right”.

**42 Paragraph 191J(1)(b)**

After “the interest” (wherever occurring), insert “or right”.

**43 Subsection 191J(2) (at the end of the heading)**

Add “or rights”.

**44 Subsection 191J(2)**

After “the interest”, insert “or right”.

**45 Division 3 of Part 4A (heading)**

Repeal the heading, substitute:

**Division 3—National and regional strategies**

**46 Section 191N (heading)**

Omit “land strategy”, substitute “land and sea strategy”.

**47 Subsection 191N(1)**

Omit “land strategy”, substitute “land and sea strategy”.

**48 Subsection 191N(2) (heading)**

Omit “*indigenous land*”.

**49 Subsection 191N(2)**

Omit “land strategy”, substitute “land and sea strategy”.

**50 Paragraph 191N(2)(a)**

After “interests in land”, insert “, and water-related rights,”.

**51 Paragraph 191N(2)(a)**

After “those interests”, insert “and rights”.

**52 Paragraph 191N(2)(b)**

Repeal the paragraph, substitute:

(b) management issues relating to indigenous-held land and indigenous waters;

**53 At the end of paragraph 191N(2)(c)**

Add “and indigenous waters”.

**54 Subsection 191N(4) (heading)**

Omit “*indigenous land*”.

**55 Subsection 191N(4)**

Omit “land strategy”, substitute “land and sea strategy”.

**56 Subsection 191N(5) (heading)**

Omit “*indigenous land*”.

**57 Subsections 191N(5), (6) and (7)**

Omit “land strategy” (wherever occurring), substitute “land and sea strategy”.

**58 Section 191P (heading)**

Omit “land strategies”, substitute “land and sea strategies”.

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**59 Subsection 191P(1) (heading)**

Omit “*indigenous land*”.

**60 Subsection 191P(1)**

Omit “land strategies”, substitute “land and sea strategies”.

**61 Subsection 191P(2) (note)**

Repeal the note.

**62 Subsection 191P(3)**

Omit “land strategy”, substitute “land and sea strategy”.

**63 Subsection 191P(4) (heading)**

Omit “*indigenous land*”.

**64 Paragraph 191P(4)(a)**

After “interests in land”, insert “, and water-related rights,”.

**65 Paragraph 191P(4)(a)**

After “those interests”, insert “and rights”.

**66 Paragraph 191P(4)(b)**

Repeal the paragraph, substitute:

- (b) management issues relating to indigenous-held land and indigenous waters in the regional area;

**67 Paragraph 191P(4)(c)**

After “land”, insert “and indigenous waters”.

**68 Subsection 191P(5)**

Repeal the subsection, substitute:

*Consultation on regional strategies*

- (5) In performing functions under this section in connection with a regional area, the Indigenous Land and Sea Corporation Board may consult any persons or bodies the Board considers appropriate.



**69 Subsection 191P(6) (heading)**

Omit “*indigenous land*”.

**70 Subsections 191P(6) and (7)**

Omit “land strategy”, substitute “land and sea strategy”.

**71 Paragraphs 191Q(a) and (b)**

Omit “land strategy”, substitute “land and sea strategy”.

**72 Subsection 191R(1)**

Omit “land strategy” (wherever occurring), substitute “land and sea strategy”.

**73 Division 4 of Part 4A (heading)**

After “land”, insert “and in water-related rights”.

**74 Section 191S (heading)**

Repeal the heading, substitute:

**191S Restrictions on disposals and charges**

**75 Subsection 191S(1)**

After “acquired an interest in land”, insert “or a water-related right”.

**76 Paragraphs 191S(1)(a), (b), (c) and (d) and (2)(a) and (b)**

After “interest”, insert “or right”.

**77 Subsection 191S(3)**

After “interest”, insert “or right”.

**78 Paragraph 191S(4)(a)**

After “interest”, insert “or right”.

**79 Section 191SA (at the end of the heading)**

Add “or in water-related rights”.

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**80 Subsection 191SA(1)**

After “the land”, insert “, or in the water-related right,”.

**81 Subsection 191SA(2)**

After “land”, insert “or right”.

**82 Section 191SB (heading)**

After “land”, insert “, or in water-related rights,”.

**83 Subsection 191SB(1)**

After “in the land”, insert “, or in the water-related right,”.

**84 Subsection 191SB(2)**

After “land”, insert “or right”.

**85 Section 191T (heading)**

After “of land”, insert “or of water-related right”.

**86 Subsection 191T(1)**

After “interest in land”, insert “or a water-related right”.

**87 Paragraphs 191T(1)(a), (b), (c) and (d)**

After “the interest”, insert “or right”.

**88 Subsection 191T(2) (heading)**

After “*interest*”, insert “*or right*”.

**89 Subsection 191T(2)**

After “interest”, insert “or right”.

**90 Subsection 191T(3) (at the end of the heading)**

Add “*or right*”.

**91 Subsection 191T(3)**

After “interest in land”, insert “, or a water-related right,”.

**92 Subsection 191T(3)**

After “the interest”, insert “or right”.

**93 Paragraph 191X(4)(a)**

After “land”, insert “, water”.

**94 Subsection 193R(1) (paragraph (a) of the definition of *exempt matter*)**

After “interest in land”, insert “, or water-related right,”.

**95 Subsection 193R(1) (paragraph (a) of the definition of *exempt matter*)**

After “the interest”, insert “or right”.

**96 Subsection 193R(1) (paragraph (c) of the definition of *exempt matter*)**

After “interest in land”, insert “, or water-related right,”.

**97 Subsection 193R(1) (paragraph (c) of the definition of *exempt matter*)**

After “the interest”, insert “or right”.

**98 Subsection 193R(1) (paragraph (g) of the definition of *exempt matter*)**

After “interest in land”, insert “, or water-related right,”.

**99 Application provision for strategies**

The amendments made by this Schedule of the following provisions of the *Aboriginal and Torres Strait Islander Act 2005* do not apply until the day after the end of the period of 6 months beginning on the day this Schedule commences:

- (a) paragraphs 191N(2)(a), (b) and (c);
- (b) paragraphs 191P(4)(a), (b) and (c).

## Schedule 2—Renaming body as Indigenous Land and Sea Corporation

### Part 1—Main amendments

#### *Aboriginal and Torres Strait Islander Act 2005*

##### 1 Title

After “**Indigenous Land**”, insert “**and Sea**”.

##### 2 Subsection 4(1)

Insert:

*Indigenous Land and Sea Corporation* means the corporation referred to in section 191A.

*Indigenous Land and Sea Corporation Board* means the Board of Directors referred to in section 191V.

*Indigenous Land and Sea Corporation Chairperson* means the Chairperson referred to in section 191V.

*Indigenous Land and Sea Corporation Chief Executive Officer* means the Chief Executive Officer referred to in section 192K.

*Indigenous Land and Sea Corporation Director* means a member of the Indigenous Land and Sea Corporation Board.

##### 3 Subsection 4(1)

Repeal the following definitions:

- (a) definition of *Indigenous Land Corporation*;
- (b) definition of *Indigenous Land Corporation Board*;
- (c) definition of *Indigenous Land Corporation Chairperson*;
- (d) definition of *Indigenous Land Corporation Chief Executive Officer*;
- (e) definition of *Indigenous Land Corporation Director*.

**4 Subsection 4(2)**

After “Indigenous Land”, insert “and Sea”.

**5 Part 4A (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**6 Division 1 of Part 4A (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**7 Section 191A (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**8 Subsection 191A(1)**

Repeal the subsection, substitute:

*Indigenous Land and Sea Corporation*

- (1) The corporation that was established under this section as previously in force by the name Indigenous Land Corporation is now to be known as the Indigenous Land and Sea Corporation.

Note: Subsection 25B(1) of the *Acts Interpretation Act 1901* provides that a body whose name is altered by an Act continues in existence under the new name so that its identity is not affected.

**9 Subsections 191A(2), (3) and (4)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**10 Section 191B (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**11 Section 191B**

After “Indigenous Land”, insert “and Sea”.

**12 Division 2 of Part 4A (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**13 Section 191C (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

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**14 Section 191C**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**15 Section 191D (heading)**

After “**Indigenous Land**”, insert “and Sea”.

**16 Subsections 191D(1), (1A), (2), (2A) and (3)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**17 Section 191E (heading)**

After “**Indigenous Land**”, insert “and Sea”.

**18 Subsections 191E(1), (1A), (2), (2A), (2B) and (3)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**19 Section 191EA (heading)**

After “**Indigenous Land**”, insert “and Sea”.

**20 Section 191EA**

After “Indigenous Land”, insert “and Sea”.

**21 Section 191F (heading)**

After “**Indigenous Land**”, insert “and Sea”.

**22 Section 191F**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**23 Section 191G (heading)**

After “**Indigenous Land**” (wherever occurring), insert “and Sea”.

**24 Subsections 191G(1), (2) and (3)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**25 Subsection 191G(5) (heading)**

After “*Indigenous Land*”, insert “*and Sea*”.

**26 Subsections 191G(5), (6) and (7)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**27 Section 191H (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**28 Section 191H**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**29 Sections 191I, 191J and 191L**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**30 Subsection 191N(1) (heading)**

After “*Indigenous Land*”, insert “*and Sea*”.

**31 Subsections 191N(1), (3), (5) and (6)**

After “Indigenous Land”, insert “and Sea”.

**32 Subsection 191P(1) (heading)**

After “*Indigenous Land*”, insert “*and Sea*”.

**33 Subsection 191P(1)**

After “Indigenous Land”, insert “and Sea”.

**34 Subsection 191P(2) (heading)**

After “*Indigenous Land*”, insert “*and Sea*”.

**35 Subsections 191P(2), (7) and (8)**

After “Indigenous Land”, insert “and Sea”.

**36 Section 191Q (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**37 Section 191Q**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**38 Section 191R (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**39 Section 191R**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**40 Division 4 of Part 4A (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**41 Subsections 191S(1), (2), (3) and (4)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**42 Section 191SA (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**43 Subsection 191SA(1)**

After “Indigenous Land”, insert “and Sea”.

**44 Section 191SB (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**45 Subsection 191SB(1)**

After “Indigenous Land”, insert “and Sea”.

**46 Section 191T (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**47 Subsection 191T(1)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**48 Subsection 191T(2) (heading)**

After “*Indigenous Land*”, insert “*and Sea*”.

**49 Subsections 191T(2) and (3)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

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**50 Section 191U (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**51 Subsection 191U(1)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**52 Division 5 of Part 4A (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**53 Section 191V (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**54 Section 191V**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**55 Section 191W (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**56 Section 191W**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**57 Section 191X (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**58 Subsections 191X(1), (2) and (3)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**59 Paragraph 191Y(1)(a)**

After “Indigenous Land”, insert “and Sea”.

**60 Section 191Z**

After “Indigenous Land”, insert “and Sea”.

**61 Section 192 (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**62 Sections 192 and 192A**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**63 Section 192B (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**64 Section 192B**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**65 Section 192C (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**66 Section 192C**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**67 Section 192D (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**68 Subsection 192D(1) (heading)**

After “*Indigenous Land*”, insert “*and Sea*”.

**69 Section 192D**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**70 Subsections 192E(1), (2) and (3)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**71 Subsection 192F(3)**

After “Indigenous Land”, insert “and Sea”.

**72 Section 192G**

After “Indigenous Land”, insert “and Sea”.

**73 Section 192H**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

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**74 Section 192I**

After “Indigenous Land”, insert “and Sea”.

**75 Division 7 of Part 4A (heading)**

After “**Indigenous Land**”, insert “and Sea”.

**76 Section 192J (heading)**

After “**Indigenous Land**”, insert “and Sea”.

**77 Section 192J**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**78 Division 8 of Part 4A (heading)**

After “**Indigenous Land**”, insert “and Sea”.

**79 Section 192K (heading)**

After “**Indigenous Land**”, insert “and Sea”.

**80 Sections 192K, 192L and 192M**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**81 Section 192N (heading)**

After “**Indigenous Land**”, insert “and Sea”.

**82 Section 192N**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**83 Section 192P (heading)**

After “**Indigenous Land**”, insert “and Sea”.

**84 Sections 192P, 192Q, 192R and 192S**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**85 Section 192T (heading)**

After “**Indigenous Land**”, insert “and Sea”.

**86 Sections 192T, 192U and 192V**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**87 Section 193J (heading)**

After “**Indigenous Land**”, insert “and Sea”.

**88 Sections 193J and 193K**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**89 Subsections 193L(1), (2), (10) and (11)**

After “Indigenous Land”, insert “and Sea”.

**90 Section 193M**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**91 Subsection 193N(1)**

After “Indigenous Land”, insert “and Sea”.

**92 Sections 193P and 193Q**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**93 Subsection 193R(1) (paragraphs (a) and (c) of the definition of *exempt matter*)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**94 Subsection 193S(1) (definition of *ILC officer*)**

Repeal the definition.

**95 Subsection 193S(1)**

Insert:

*ILSC officer* means a person:

- (a) who is or has been an Indigenous Land and Sea Corporation Director or an acting Indigenous Land and Sea Corporation Director; or

- (b) who is or has been the Indigenous Land and Sea Corporation Chief Executive Officer or an acting Indigenous Land and Sea Corporation Chief Executive Officer; or
- (c) who is or has been employed or engaged under section 192S or 192V; or
- (d) who is performing, or who has performed, duties on behalf of the Indigenous Land and Sea Corporation under an arrangement under section 192T; or
- (e) whose services are being, or have been, made available to the Indigenous Land and Sea Corporation under an arrangement under section 192U; or
- (f) who is or has been a director or employee of a subsidiary of the Indigenous Land and Sea Corporation.

#### **96 After subsection 193S(1)**

Insert:

- (1A) A person who was covered by the definition of *ILC officer* as in force immediately before this subsection commenced is covered by the definition of *ILSC officer*.

Note: This is intended to make it clear that any person who held an office, or undertook any other role, covered by the definition at a time when the corporation had its original name of the Indigenous Land Corporation, is still an *ILSC officer*. See also subsection 25B(1) of the *Acts Interpretation Act 1901*.

#### **97 Subsection 193S(2)**

Omit “ILC”, substitute “ILSC”.

#### **98 Subsection 193S(2)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

#### **99 Subsection 193S(3) (heading)**

Omit “ILC”, substitute “ILSC”.

#### **100 Subsection 193S(3)**

Omit “ILC” (wherever occurring), substitute “ILSC”.

**101 Subsection 193S(5) (heading)**

Omit “*ILC*”, substitute “*ILSC*”.

**102 Subsection 193S(5)**

Omit “*ILC*” (wherever occurring), substitute “*ILSC*”.

**103 Subsection 193S(6)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

**104 Section 193T (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

**105 Section 193T**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

***Remuneration Tribunal Act 1973***

**106 Paragraph 7(9)(acaaa)**

After “Indigenous Land”, insert “and Sea”.

## **Part 2—Contingent amendments**

### ***Aboriginal and Torres Strait Islander Act 2005***

#### **107 Section 192X**

After “Indigenous Land”, insert “and Sea”.

#### **108 Section 193 (heading)**

After “**Indigenous Land**”, insert “**and Sea**”.

#### **109 Subsections 193(2) and (3)**

After “Indigenous Land”, insert “and Sea”.

#### **110 Paragraph 193G(1)(a)**

After “Indigenous Land” (wherever occurring), insert “and Sea”.

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*[Minister’s second reading speech made in—  
House of Representatives on 28 March 2018  
Senate on 12 November 2018]*

(65/18)

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