



Aboriginal Land Rights (Northern Territory) Amendment (Delegation) Regulation 2013

Select Legislative Instrument No. 272, 2013

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Dated 12 December 2013

Quentin Bryce
Governor-General

By Her Excellency's Command

Nigel Scullion
Minister for Indigenous Affairs

OPC60301 - B

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Regulation 2013* *i*

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1 Name of regulation

This regulation is the *Aboriginal Land Rights (Northern Territory) Amendment (Delegation) Regulation 2013*.

2 Commencement

This regulation commences on the day after it is registered.

3 Authority

This regulation is made under the *Aboriginal Land Rights (Northern Territory) Act 1976*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Amendments

Aboriginal Land Rights (Northern Territory) Regulations 2007

1 After regulation 6A

Insert:

7 Application for delegation—prescribed information

For paragraph 28A(2)(c) of the Act, an application by an Aboriginal and Torres Strait Islander corporation for the delegation of functions or powers of a Land Council must include the following:

- (a) the names of the corporation's members;
- (b) evidence that the corporation satisfies the requirements of subsection 28A(1) of the Act;
- (c) why the corporation seeks the delegation;
- (d) why the corporation selected the part of the area of the Land Council (the *relevant area*) set out in the application;
- (e) a description of any consultation by the corporation with the following persons in relation to the delegation:
 - (i) traditional Aboriginal owners of land in the relevant area;
 - (ii) any other Aboriginal community or group that may be affected by the delegation;
- (f) a description of any conflict of interest arrangements the corporation has in place;
- (g) the qualifications and experience of:
 - (i) the corporation's officers (within the meaning of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*); and
 - (ii) the corporation's employees (within the meaning of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*);that are relevant to the delegation;
- (h) how the corporation proposes to make decisions in relation to the delegated functions or powers, including any proposed

ongoing consultation of the persons mentioned in paragraph (e);

- (i) an estimation of the resources required to perform or exercise the delegated functions or powers;
- (j) the following breakdown of the resources mentioned in paragraph (i):
 - (i) resources the corporation has at its disposal;
 - (ii) resources the corporation proposes to obtain from the Land Council;
 - (iii) resources the corporation proposes to obtain from another source, and the name of that source.

Note: Examples of resources for paragraphs (i) and (j) are money, employees, premises and equipment.

8 Application for delegation—deemed refusal period

For subsection 28A(5) of the Act, the period is 3 months from the day the Land Council receives an application for the delegation of functions or powers.

8A Application to vary delegation—deemed refusal period

For subsection 28B(6) of the Act, the period is 3 months from the day the Land Council receives an application to vary a delegation of functions or powers.