

2002-2003

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

ABORIGINAL LAND GRANT (JERVIS BAY TERRITORY)
AMENDMENT BILL 2003

EXPLANATORY MEMORANDUM

(Circulated by authority of the
Minister for Immigration and Multicultural and Indigenous Affairs,
the Hon Philip Ruddock MP)

**ABORIGINAL LAND GRANT (JERVIS BAY TERRITORY)
AMENDMENT BILL 2003**

OUTLINE

The Bill makes provision for the following amendments to the *Aboriginal Land Grant (Jervis Bay Territory) Act 1986*, which establishes the Wreck Bay Aboriginal Community Council:

- the Bill would modify quorum requirements for general meetings of the Wreck Bay Aboriginal Community Council.
- the Bill would extend the period of time within which new by-laws must be given by the Wreck Bay Aboriginal Community Council to the Minister.
- the Bill would identify the office of Registrar of the Wreck Bay Aboriginal Community Council by reference to an APS employee within the portfolio.

FINANCIAL IMPACT STATEMENT

Financial impact of the amendment is expected to be nil.

NOTES ON CLAUSES

Clause 1 - Short title

This clause provides that the Act may be cited as the *Aboriginal Land Grant (Jervis Bay Territory) Amendment Act 2003*.

Clause 2 - Commencement

This clause provides that the Act will commence on the day on which it receives the Royal Assent.

Clause 3 - Establishes Schedule of Amendments as follows:

Items 1 – 4 – Definitions

Items 1 – 4 would define the terms “agency”, “agency head”, “agency Minister” and “APS employee” as having the meaning given by section 7 of the *Public Service Act 1999*.

Item 5 – Registrar of Wreck Bay Aboriginal Community Council

Item 5 would repeal subsection 15(3) of the *Aboriginal Land Grant (Jervis Bay Territory) Act 1986* and insert a new subsection that would enable the Minister to appoint as Registrar a person who is an APS employee in an agency for which the Minister is the Agency Minister or who holds or performs the duties of an office in a body established by or under an Act administered by the Minister. This would enable an officer of Aboriginal and Torres Strait Islander Services, which was established on 1 July 2003, or other agency within the portfolio, to occupy the office of Registrar of the Wreck Bay Aboriginal Community Council.

Item 6 – Delegation by Registrar of Wreck Bay Aboriginal Community Council

Item 6 would repeal paragraphs 16(1)(a) and (b) of the *Aboriginal Land Grant (Jervis Bay Territory) Act 1986* and substitute new paragraphs which would enable the Registrar to delegate functions and powers to an APS employee in an Agency for which the Minister is the Agency Minister or to a person who holds or performs the duties of an office in a body established by or under an Act administered by the Minister.

Items 7, 9 and 11 – Consistency

Items 7, 9 and 11 would ensure that the same quorum requirements apply for all reconvened meetings of the Wreck Bay Aboriginal Community Council.

Item 8 – Quorum

Item 8 would repeal the existing paragraph 26A(1)(b) of the *Aboriginal Land Grant (Jervis Bay Territory) Act 1986* and substitute a new paragraph which would set the quorum for a meeting that had been reconvened for the reason that a quorum had not previously formed within 60 minutes at 40 registered members instead of 40% of the registered members. The quorum for the first meeting is retained as a majority of the registered members.

Item 10 – Quorum

Item 10 would repeal the existing paragraph 26A(2)(b) of the *Aboriginal Land Grant (Jervis Bay Territory) Act 1986* and substitute a new paragraph which would set the quorum for a second reconvened meeting at 40 registered members instead of 25% of the registered members.

Item 12 – Presentation of by-laws to the Minister

Item 12 would extend the period within which the Wreck Bay Aboriginal Community Council must give by-laws to the Minister from 7 days to 21 days.

Item 13 – Application

Item 13 would apply the changes made by Items 7 – 11 to meetings held after commencement of this item and would apply the change made by Item 12 to by-laws made after or within 7 days before commencement of this item.

Item 14 – Validity of certain appointments and delegations

Item 14 would ensure that the repeal and replacement of appointment and delegation provisions would not invalidate any existing appointment or delegation.