

2004-2005-2006-2007

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Aboriginal Land Rights (Northern
Territory) Amendment (Township
Leasing) Bill 2007**

No. , 2007

(Families, Community Services and Indigenous Affairs)

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

Contents

1	Short title	1
2	Commencement	1
3	Schedule(s)	2
Schedule 1—Main amendments		3
	<i>Aboriginal Land Rights (Northern Territory) Act 1976</i>	3
Schedule 2—Technical amendments		8
	<i>Aboriginal Land Rights (Northern Territory) Act 1976</i>	8
	<i>Aboriginal Land Rights (Northern Territory) Amendment Act 2006</i>	8

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

4 (2) Column 3 of the table contains additional information that is not
5 part of this Act. Information in this column may be added to or
6 edited in any published version of this Act.

7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 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).

1 **Division 3—Administrative provisions about the Executive**
2 **Director**

3 **20D Appointment of Executive Director**

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

8 **20E Appointment to be full-time**

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

10 **20F Terms and conditions—general**

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

14 **20G Remuneration and allowances**

- 15 (1) The Executive Director is to be paid the remuneration that is
16 determined by the Remuneration Tribunal. If no determination of
17 that remuneration by the Tribunal is in operation, the Executive
18 Director is to be paid the remuneration that is prescribed by the
19 regulations.
- 20 (2) The Executive Director is to be paid the allowances that are
21 prescribed by the regulations.
- 22 (3) This section has effect subject to the *Remuneration Tribunal Act*
23 1973.

24 **20H Executive Director not to engage in paid employment**

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

1 **20J Acting Executive Director**

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

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

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

19 **20K Leave of absence**

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

25 **20L Resignation**

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

28 **20M Termination of appointment**

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

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

17 **20N Disclosure of interests**

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

22 **Division 4—Staff and consultants**

23 **20P Staff**

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

27 **20Q Consultants**

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

1 **Division 5—Annual report**

2 **20R Annual report**

3 *Annual report to be given to Minister*

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

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

10 *Other reports*

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

14 **Division 6—Repeal of Part**

15 **20S Repeal of Part**

16 (1) If:

- 17 (a) one or more leases have been granted to the Commonwealth
18 under section 19A; and
19 (b) each such lease has been transferred to an approved entity
20 other than the Commonwealth; and
21 (c) the Minister is satisfied that there is no reasonable likelihood
22 of the Executive Director entering into, on behalf of the
23 Commonwealth, another lease under that section; and
24 (d) the Executive Director has given a report to the Minister
25 under subsection 20R(1) for the last financial year; and
26 (e) the Executive Director has given a report to the Minister
27 under subsection 20R(2) on the operations of the Executive
28 Director for the part of the current financial year requested by
29 the Minister;

30 the Minister may, by legislative instrument, specify a day on which
31 this Part is to be repealed.

32 (2) This Part is repealed at the beginning of that day.

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Schedule 2—Technical amendments

4

Aboriginal Land Rights (Northern Territory) Act 1976

5

1 Subsection 48B(1)

6

Omit “a” (last occurring).

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

9

Aboriginal Land Rights (Northern Territory) Amendment Act 2006

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11

2 Item 111 of Schedule 1

12

Omit “either,”, substitute “either”.

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

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3 Subitem 224(3) of Schedule 1

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Omit “117”, substitute “116”.

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Note: This item corrects an incorrect cross-reference.