

South Australia

**Anangu Pitjantjatjara Yankunytjatjara Land
Rights (Permits) Amendment Bill 2009**

A BILL FOR

An Act to amend the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Anangu Pitjantjatjara Yankunytjatjara Land Rights (Permits) Amendment Act 2009*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*

4—Amendment of section 19—Unauthorised entry on the lands

- (1) Section 19(8)(a), (b), (ba) and (c)—delete paragraphs (a), (b), (ba) and (c) and substitute:

- 15 (a) a Minister of the Crown in right of South Australia or the Commonwealth; or
- (b) a public sector employee acting in the course of his or her official duties; or
- (ba) an APS employee acting in the course of his or her official duties; or
- 20 (bb) any other officer appointed by or under an Act of the State or Commonwealth and who is acting in the course of his or her official duties; or

(8c) The Minister may, by notice in writing given to a person authorised under subsection (8)(bc) or (bd), vary or revoke the authorisation on any grounds the Minister thinks fit.

(3) Section 19(9)—delete subsection (9) and substitute:

(9) Subject to subsection (9aa), a person referred to in subsection (8) who proposes to enter the lands must endeavour to give reasonable notice of the time, place and purpose of the proposed entry to Anangu Pitjantjatjara Yankunytjatjara.

(9aa) The following persons do not have to give notice under subsection (9):

- (a) a police officer acting in the course of his or her official duties;
- (b) a person referred to in subsection (8)(ca);
- (c) a person assisting a person referred to in subsection (8)(ca);
- (d) a person referred to in subsection (8)(e);
- (e) a person referred to in subsection (8)(f).

(4) Section 19—after subsection (10) insert:

(11) For the purposes of this section, a reference to a police officer includes a reference to a member of the Australian Federal Police.

(12) In this section—

APS employee has the same meaning as in the *Public Service Act 1999* of the Commonwealth;

journalist means a person engaged in writing for, filming or otherwise producing a newspaper, periodical, television or radio program or similar production;

public sector agency and *public sector employee* have the same meaning as in the *Public Sector Management Act 1995*.

5—Substitution of section 19A

Section 19A—delete the section and substitute:

19A—Residence on the lands

- (1) A person referred to in section 19(8) may reside, or otherwise remain, on the lands for as long as is necessary or desirable to carry out his or her duties or functions.
- (2) Subsection (1) does not apply in relation to a person referred to in section 19(8)(d), (e) or (f).

6—Amendment of regulation 43—Regulations

Regulation 43—after subregulation (2) insert:

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- (2a) The regulations may refer to or incorporate, wholly or partially and with or without modification, a code, standard or other document prepared or published by a prescribed body, either as in force at the time the regulations are made or as in force from time to time.
- (2b) If a code, standard or other document is referred to or incorporated in the regulations—
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- (a) a copy of the code, standard or other document must be kept available for public inspection, without charge and during ordinary office hours, at an office or offices specified in the regulations; and
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- (b) evidence of the contents of the code, standard or other document may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code, standard or other document.