

SOUTH AUSTRALIA

ABORIGINAL LANDS TRUST ACT 1966

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at **26 March 1998**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

**PART 1
PRELIMINARY**

1. Short title
2. Commencement
3. Interpretation
4. Arrangement

**PART 2
THE ABORIGINAL LANDS TRUST**

5. Constitution of Aboriginal Lands Trust
6. Membership of Trust
7. Casual vacancies
8. Remuneration of Trust
9. Validity of acts of Trust
- 9A. Minister's Representative
10. Meetings and quorum
11. Quorum of Trust
- 11A. Delegation by Trust
12. Trust not to represent Crown
13. Annual reports

**PART 3
SECRETARY AND STAFF OF THE TRUST**

15. Staff of Trust

**PART 4
PROVISIONS WITH RESPECT TO ABORIGINAL LANDS**

16. Power to transfer lands to Trust
- 16AAA. Native title
- 16AA. Appointment of manager or management committee in respect of land leased by Trust
- 16A. Application of the Public Intoxication Act 1984 to the lands
17. Assets of Trust
18. Power to grant assistance

**PART 5
FINANCE**

19. Banking and finance
20. Audit

**PART 6
MISCELLANEOUS**

- 20A. Business Advisory Panel
- 20B. Parliamentary Committee
21. Regulations

**APPENDIX 1
LEGISLATIVE HISTORY**

**APPENDIX 2
DIVISIONAL PENALTIES AND EXPIATION FEES**

ABORIGINAL LANDS TRUST ACT 1966

being

Aboriginal Lands Trust Act 1966 No. 87 of 1966
[Assented to 8 December 1966]¹

as amended by

Aboriginal Lands Trust Act Amendment Act 1968 No. 41 of 1968 [Assented to 19 December 1968]
Aboriginal Lands Trust Act Amendment Act 1973 No. 10 of 1973 [Assented to 6 September 1973]²
Aboriginal Lands Trust Act Amendment Act 1975 No. 100 of 1975 [Assented to 20 November 1975]
Aboriginal Lands Trust Act Amendment Act 1984 No. 65 of 1984 [Assented to 27 September 1984]
Aboriginal Lands Trust Act Amendment Act 1990 No. 6 of 1990 [Assented to 5 April 1990]
Aboriginal Lands Trust (Parliamentary Committee and Business Advisory Panel) Amendment Act 1991
No. 58 of 1991 [Assented to 28 November 1991]³
Aboriginal Lands Trust (Miscellaneous) Amendment Act 1993 No. 16 of 1993 [Assented to 8 April 1993]⁴
Aboriginal Lands Trust (Native Title) Amendment Act 1998 No. 3 of 1998 [Assented to 26 March 1998]

¹ Came into operation 8 December 1966: *Gaz.* 8 December 1966, p. 2152.

² Came into operation 8 November 1973: *Gaz.* 8 November 1973, p. 2795.

³ Came into operation 16 January 1992: *Gaz.* 16 January 1992, p. 126.

⁴ Came into operation 17 June 1993: *Gaz.* 17 June 1993, p. 1969.

NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the Act see Appendix 1.

An Act to establish an Aboriginal Lands Trust, to define the powers and functions thereof, for purposes incidental thereto and for other purposes.

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *Aboriginal Lands Trust Act 1966*.

Commencement

2. This Act shall come into operation on a day to be fixed by the Governor by proclamation.

Interpretation

3. In this Act, unless the context otherwise requires—

"**chairman**" means the chairman of the Trust;

"**the lands**" means the lands vested in the Trust in pursuance of this Act;

"**member**" means member of the Trust and includes the chairman;

"**Minister's Representative**" means the Minister's Representative appointed pursuant to section 9A of this Act and includes a deputy, appointed under that section, while acting as the Minister's Representative;

"**native title**", "**native title holder**"—*see Native Title (South Australia) Act 1994*;

"**Secretary**" means the Secretary to the Trust;

"**Trust**" means the Aboriginal Lands Trust constituted under this Act.

Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.

Arrangement

4. This Act is divided into Parts as follows:

PART 1—PRELIMINARY

PART 2—THE ABORIGINAL LANDS TRUST

PART 3—SECRETARY AND STAFF OF THE TRUST

PART 4—PROVISIONS WITH RESPECT TO ABORIGINAL LANDS

PART 5—FINANCE

Aboriginal Lands Trust Act 1966

**PART 2
THE ABORIGINAL LANDS TRUST**

Constitution of Aboriginal Lands Trust

5. (1) There shall be constituted a body to be known as the "Aboriginal Lands Trust".

(2) The Trust shall be a body corporate with perpetual succession and a common seal and, subject to this Act, shall have power in its corporate name to receive, accept, hold, acquire by means of agreement, or exchange, possess, and to dispose of property of every kind and be a party to any legal proceedings.

(3) Every court and every person acting judicially shall take judicial notice of the seal of the Trust and when the seal appears on any document shall presume that it was properly affixed thereto.

Membership of Trust

6. (1) The Trust shall consist of a chairman and at least two other members appointed by the Governor: Provided that the Governor may whenever he thinks it fit so to do appoint additional members upon the recommendation of Aboriginal councils established pursuant to regulations made under the *Community Welfare Act 1972*, as amended, and of such Aboriginal communities as are recognised as such by the Minister and the members of which ordinarily reside on land owned by the Trust; but no such council or community may recommend more than one member for the Trust at any one time and thereafter shall only recommend a member to fill a vacancy caused by the vacation of office by or retirement of a person whom it has previously recommended. Each member of the Trust shall be an Aboriginal within the meaning of the *Community Welfare Act 1972*, as amended.

(2) The chairman and other members of the Trust shall, subject to this Act, hold office for three years.

(3) Any member of the Trust may at the expiration of his term of office be re-appointed.

(4) Whenever a vacancy occurs in the office of a member of the Trust whether by expiration of his term of office or otherwise the Governor may, subject to subsection (1) of this section, appoint a person to fill the vacancy: Provided that the person appointed to fill a vacancy caused otherwise than by the expiration of the term of office of a member shall hold office only for the unexpired portion of the term of office of the member in whose place he is appointed: Provided further that any retiring member whose term of office expires by effluxion of time shall hold office until his successor is appointed.

(5) The Governor may appoint a person as the deputy of a member of the Trust and a person so appointed may, in the absence of the member of whom he or she is deputy, act as a member of the Trust and exercise and perform the powers and functions of that member.

(6) Where the appointment of a member of the Trust is on the recommendation of a community, the appointment of a person as the deputy of the member must also be on the recommendation of that community.

(7) An act done or purported to have been done by a person as a deputy of a member may not be called into question on the ground that the occasion for the person's so acting had not arisen or had ceased.

Casual vacancies

7. (1) The seat of a member shall become vacant on—

- (a) his death, lunacy or his being convicted of an indictable offence;
- (b) his resignation by notice in writing posted or delivered to the Minister or his absence from three consecutive meetings of the Trust without leave of the Trust;
- (c) his ceasing to reside in the State;
- (d) his becoming bankrupt or making an assignment of his property for the benefit of his creditors or compounding with his creditors for less than one hundred cents in the dollar;
- (e) his removal from the Trust by the Governor pursuant to this section.

(2) The Governor may remove any member from office for neglect of duty, incapacity to perform his duties, dishonourable conduct or other cause deemed sufficient by the Governor.

Remuneration of Trust

8. Each member of the Trust shall be paid out of the funds of the Trust such remuneration for his services and such travelling and other allowances, if any, as the Governor approves.

Validity of acts of Trust

9. (1) An act or proceeding of the Trust shall not be invalid or illegal by reason only of the fact that at the time of the act or proceeding there was a vacancy in the office of any member or that any person who had been appointed as an additional member by the Governor before the commencement of the *Aboriginal Lands Trust Act Amendment Act 1975* was not properly qualified for appointment when he was so appointed.

(2) All acts and proceedings of the Trust shall notwithstanding the subsequent discovery of any defect in the appointment of any member or that any member was disqualified or disentitled to act or that any person who had been appointed as an additional member by the Governor before the commencement of the *Aboriginal Lands Trust Act Amendment Act 1975* was not properly qualified for appointment when he was so appointed be as valid as if such member had been duly appointed and was qualified and entitled to act and had acted as a member and as if the Trust had been properly and fully constituted.

Minister's Representative

9A. (1) The Minister shall by notice in writing appoint a person to be the Minister's Representative for the purposes of this Act and the Minister may by a like notice appoint another person as deputy of the Minister's Representative.

(2) A deputy appointed under subsection (1) of this section may, in the absence, incapacity or inability of the Minister's Representative, act as the Minister's Representative.

(3) An act done or purported to have been done as Minister's Representative by a deputy appointed under subsection (1) of this section shall not be called in question on the ground that the occasion for the doing of the act had not arisen or had ceased.

Meetings and quorum

10. (1) At any meeting of the Trust the chairman if present shall preside and in the absence of the chairman the members present at any meeting of the Trust shall elect one of their number to preside at that meeting.

Aboriginal Lands Trust Act 1966

(2) The person presiding at any meeting of the Trust shall have both a deliberative and a casting vote.

(3) The Minister's Representative is entitled (but is not required) to be present at a meeting of the Trust.

Quorum of Trust

11. One half of the members of the Trust if the number be even plus one, and if the number be uneven the number nearest to but more than half the total number of members, shall constitute a quorum of the Trust.

Delegation by Trust

11A. (1) Subject to this section, the Trust may delegate any of its functions or powers to a member or committee of members of the Trust.

(2) The Trust may not delegate any of the following functions or powers:

- (a) the granting of a lease in respect of any land vested in the Trust pursuant to this Act;
- (b) the appointment under section 16AA of a manager or management committee in respect of land the subject of a lease granted by the Trust;
- (c) the approval of expenditure in an amount exceeding \$5 000;
- (d) the appointment of an officer or employee of the Trust or the determination of any matter relating to the terms and conditions or termination of the appointment or employment of an officer or employee of the Trust;
- (e) the making of any recommendation to the Minister as to legislative amendment;
- (f) the power of delegation conferred by this section.

(3) A delegation under this section—

- (a) must be by instrument in writing; and
- (b) may be unconditional or subject to conditions (including, where the delegation is to a committee, conditions governing the procedures of the committee); and
- (c) does not derogate from the power of the Trust to act itself in any matter; and
- (d) may be revoked at any time by the Trust.

Trust not to represent Crown

12. The Trust shall not be a department of the Government of the State or represent or except as expressly authorised by the Governor with the consent of the Trust be an agent or servant of the Crown.

Annual reports

13. (1) The Trust shall, on or before the first day of October in every year, report to the Governor on the working of this Act during the preceding financial year and shall in any such report set out a summary of the receipts and expenditure during the said period and any other particulars which the Trust may from time to time consider fit to be included in the report.

(2) All such reports shall be laid before Parliament.

**PART 3
SECRETARY AND STAFF OF THE TRUST**

* * * * *

Staff of Trust

15. (1) The Trust may, with the approval of the Minister, appoint a Secretary, Manager and such other officers and employees as are required for the purposes of the exercise and performance of the powers and functions of the Trust.

(2) The terms and conditions of employment, including remuneration, of the Secretary, Manager and any other officer or servant of the Trust shall be from time to time determined by the Trust and approved of by the Minister.

(3) The office of Secretary and Manager may be held by the one person.

(4) The *Public Service Act 1967-1972* shall not apply to or in relation to the Secretary, Manager or other officers or servants of the Trust.

(5) The Minister may make arrangements with the Trust for the use by the Trust of the services of any officers of any Department of the Government of the State under the control of the Minister, on such terms as may be agreed upon between the Minister and the Trust.

(6) Nothing in this section contained shall affect the status or continuity in employment of any officer or servant appointed by the Trust pursuant to section 15 of this Act as in force before the commencement of the *Aboriginal Lands Trust Act Amendment Act 1973* and this section shall apply and have effect to and in relation to such officers and servants as if it had been in operation at the time at which they were so appointed.

Aboriginal Lands Trust Act 1966

**PART 4
PROVISIONS WITH RESPECT TO ABORIGINAL LANDS**

Power to transfer lands to Trust

16. (1) Notwithstanding anything in the *Community Welfare Act 1972*, as amended, or any other Act or in any regulation contained, the Governor may by proclamation transfer any Crown lands or any lands for the time being reserved for Aborigines to the Trust for an estate in fee simple or for such lesser estate or interest as is vested in the Crown: Provided that no such proclamation shall be made in respect of any land that is an Aboriginal reserve or part of any Aboriginal reserve within the meaning of the *Community Welfare Act 1972*, as amended, and in respect of which an Aboriginal council has been established and is in existence pursuant to regulations made under the *Community Welfare Act 1972*, as amended, without the consent of that council:

* * * * *

Provided further that no such proclamation shall be made in respect of any Crown lands (not being lands at the time of the passing of this Act reserved for Aborigines) except upon the recommendation of the Minister of Lands or the Minister of Irrigation as the case may require and the recommendation of both Houses of Parliament by resolution passed during the same or different sessions of the same Parliament.

(2) Upon the making of any such proclamation such lands shall be vested for an estate in fee simple or, as the case may be, for such lesser estate or interest, as is vested in the Crown free of all encumbrances in the Trust except and reserved unto Her Majesty, Her heirs and successors, all gold, silver, copper, tin and other metals, ore, minerals and other substances containing metal and all gems and precious stones, coal and mineral oil in and upon any such lands and the Governor may issue such land grants or other instruments as may be required under any Act or law to give effect to the transfer effected by the proclamation and that land grant or other instrument shall form part of the records of title to land kept under the *Real Property Act 1886-1967*.

(3) Notwithstanding the provisions of the *Real Property Act 1886-1963*, the Registrar-General shall make such entries in the Register Book and do such other acts and things under that Act as are necessary to give effect to the transfer.

(4) The Treasurer shall from time to time pay to the Trust such amounts as may be appropriated by Parliament for the purpose up to but not exceeding the amount of royalties paid to the Crown or a Minister of the Crown in any financial year in respect of any lease or licence, subject to this section, granted or issued under the *Mining Act 1971* or the *Petroleum Act 1940-1967*, in respect of any lands vested in the Trust.

(5) The Trust may—

(a) with the consent of the Minister, sell, lease, mortgage or otherwise deal with land vested in it pursuant to this Act; or

(b) develop such land subject to compliance with the provisions of any Act or law relating thereto,

as it thinks fit: Provided that neither the Trust nor any lessee or assign of the Trust shall depasture any stock on any lands situate within the pastoral area of the State as defined in the *Pastoral Act 1936-1960* and vested in the Trust without the approval of, and upon such conditions (including the number of stock to be depastured on any such land) as may be specified by the Pastoral Board. The Minister shall not withhold his consent unless he is satisfied that the sale, lease, mortgage or dealing fails to preserve to the Aboriginal people of South Australia the benefits and value of the

land in question: Provided that no land vested in the Trust may be sold unless both Houses of Parliament during the same or different sessions of any Parliament have by resolution authorised such sale.

(6) Notwithstanding the provisions of subsection (5) of this section, the Trust shall not sell, lease nor in any way alienate any portion of the North-West Reserve (as defined in the proclamation of His Excellency the Governor dated the thirteenth day of February, 1964 as land reserved for Aborigines) from use by Aborigines within the meaning of the *Community Welfare Act 1972*, as amended, nor shall the Trust encumber any portion of the said Reserve unless both Houses of Parliament during the same or different sessions of any Parliament have by resolution authorised such alienation or encumbering.

(7) No lease or licence granted by the Trust under subsection (5) of this section shall be assigned nor shall any lessee or licensee sublet or part with the possession of the land the subject thereof without the consent in writing of the Minister first had and obtained. A lease or licence shall be forfeit upon any breach of this provision.

(8) Subject to subsection (9) of this section, the *Mining Act 1971-1972* and the *Petroleum Act 1940-1971* shall, on and after the commencement of the *Aboriginal Lands Trust Act Amendment Act 1973*, not confer any right of entry, prospecting, exploration or mining in respect of land vested in the Trust.

(9) The Governor may declare by proclamation that on and after the commencement of the *Aboriginal Lands Trust Act Amendment Act 1973*, the rights of entry, prospecting, exploration or mining conferred by the *Mining Act 1971-1972* and the *Petroleum Act 1940-1971*, shall be exercisable, subject to such conditions and modifications (if any) as may be specified in the proclamation in relation to land vested in the Trust or any part of that land and those conditions and modifications shall apply and have effect accordingly and the Governor may, by subsequent proclamation, vary or revoke any such proclamation.

Native title

16AAA. (1) The vesting of land in the Trust does not extinguish or affect native title in the land.

(2) No dealing by the Trust with land vested in it extinguishes or affects native title in the land.

(3) However, the Trust may, by agreement with the Minister and the holders of native title in land, deal with the land so as to extinguish or affect native title in the land.

(4) This section operates despite the *Real Property Act 1886* or any other law.

Appointment of manager or management committee in respect of land leased by Trust

16AA. (1) The Trust may—

- (a) at the request of the lessee under a lease granted by the Trust in respect of land vested in it pursuant to this Act; or
- (b) with the consent of the Minister, where the Trust is satisfied that land the subject of such a lease is not being properly managed by the lessee for the benefit of the Aboriginal community for whose benefit the lease was granted,

appoint a manager or management committee in respect of the land.

Aboriginal Lands Trust Act 1966

(2) Where the Trust appoints a manager or management committee in respect of land the subject of a lease, the manager or management committee—

- (a) has all the powers, functions and duties of the lessee in respect of the land and may act in the name of and on behalf of the lessee; and
- (b) must report regularly to the Trust on the management of the land.

(3) Subject to any directions of the Trust, a management committee appointed under this section may determine its own procedures.

(4) A manager or member of a management committee appointed under this section is, if the Trust so determines, entitled to remuneration of an amount determined by the Trust.

(5) The remuneration of the manager or a member of the management committee and all other costs and expenses arising out of the management of the land are payable by the Trust but are recoverable by the Trust as a debt from the lessee.

(6) The manager or management committee may, by notice in writing, require the lessee or any person who has been involved in the management of the land to report (orally or in writing) on such matters relating to the management of the land as may be specified in the notice.

(7) A person who fails to comply with a requirement made under subsection (6) is guilty of a summary offence.

Penalty: Division 6 fine.

(8) A manager or management committee appointed by the Trust must, on the termination of the appointment, fully account to the Trust for the management of the land.

(9) The Governor may, by regulation, make any provision in relation to the management of land by a manager or management committee appointed under this section.

Application of the Public Intoxication Act 1984 to the lands

16A. (1) The *Public Intoxication Act 1984* applies to the lands with the following qualifications and modifications—

- (a) a reference in that Act to a public place shall be construed as a reference to a part of the lands declared under this section to be a public place;
- (b) a reference in that Act to an authorised officer shall be construed as a reference to an authorised officer—
 - (i) appointed with the concurrence of the Trust; and
 - (ii) exercising his powers within a part of the lands approved by the Trust in relation to that authorised officer;
- (c) a member of the police force or an authorised officer appointed with the concurrence of the Commissioner of Police may, in addition to his powers under that Act, but subject to any limitation prescribed under this section, exercise any of the following powers on any part of the lands declared by proclamation under subsection (2) to be a part of the lands in relation to which those powers are exercisable:

- (i) the power, on reasonable suspicion that alcohol or a drug is in any premises or vehicle, to enter and search those premises or that vehicle, using such force as is necessary for the purpose;
 - (ii) the power to stop any vehicle for the purpose of carrying out a search under subparagraph (i);
 - (iii) the power to confiscate and dispose of alcohol or a drug.
- (2) The Governor may, by proclamation made on the recommendation of the Trust—
- (a) declare any part of the lands to be a public place for the purposes of the *Public Intoxication Act 1984*; or
 - (b) declare that the powers referred to in subsection (1)(c) are exercisable in relation to a specified part of the lands; or
 - (c) impose limitations on the exercise of the power referred to in subsection (1)(c) in a specified part of the lands; or
 - (d) vary or revoke any proclamation previously made under this subsection.
- (3) The Trust shall not recommend the making of a proclamation under subsection (2) unless—
- (a) a proposal for making the proclamation has been initiated from within the Aboriginal communities that would be affected by the proclamation; and
 - (b) the Trust is satisfied that those communities are in general agreement that the proclamation should be made.

Assets of Trust

17. All moneys held by the Trust including the proceeds of any sale or lease or other dealing with any land vested in the Trust shall, subject to payment thereout of the costs of administration of this Act, be held by the Trust and used by it for the development and improvement of lands the property of the Trust and the acquisition and development of further lands for the purposes of the Trust and for the purposes of section 18.

Power to grant assistance

18. Subject to the approval of the Minister the Trust may grant technical or other assistance or advance moneys to Aboriginals within the meaning of the *Community Welfare Act 1972*, as amended, or to recognised Aboriginal groups for such purposes and upon such conditions as the Trust thinks fit: Provided that no assistance shall be granted and no moneys shall be advanced under this section to any member of the Trust or, except with the consent of the Minister, to any relative of a member of the Trust.

**PART 5
FINANCE**

Banking and finance

19. (1) For the purposes of this Act the Trust shall open and maintain an account or accounts at a bank trading in Adelaide and with the approval of the Minister may arrange with that bank for overdrafts or advances.

(2) The Minister may from time to time out of moneys provided by Parliament for the purpose pay to the Trust by way of grant or by way of loan or both such sums as he thinks proper.

(3) There shall be paid into the bank account of the Trust all such sums as the Treasurer and the Minister pay to the Trust and all other money received by the Trust from any source.

Audit

20. The Auditor-General shall, without fee, audit the accounts of the Trust annually. For the purposes of any such audit the *Audit Act 1921-1957*, as amended, shall apply as if the Trust were a department of the Public Service.

PART 6
MISCELLANEOUS

Business Advisory Panel

20A. (1) The *Aboriginal Lands Business Advisory Panel* is established.

(2) The functions of the Panel are to advise and assist Aboriginal communities and Aboriginal persons ordinarily residing on the lands in the establishment and management of business or community enterprises and in the development of skills required for the effective operation of such enterprises.

(3) The Panel is to consist of seven members of whom—

- (a) one must be the person for the time being holding or acting in the office of chairman of the Trust; and
- (b) five must be persons appointed by the Governor on the nomination of the Minister, being persons with business and other knowledge and experience that will, in the Minister's opinion, contribute to the effective performance by the Panel of its functions; and
- (c) one must be the chief executive officer of the Department of Technical and Further Education or his or her nominee.

(4) The Minister must consult with the Aboriginal Lands Trust Parliamentary Committee before nominating a person for appointment under subsection (3)(b).

(5) The members appointed to the Panel by the Governor are to be appointed for a term of office and on terms and conditions determined by the Governor.

(6) Subject to any directions of the Minister, the Panel may conduct its business in such manner as the Panel determines from time to time.

Parliamentary Committee

20B. (1) The *Aboriginal Lands Trust Parliamentary Committee* is established.

(2) The duties of the Committee are—

- (a) to take an interest in—
 - (i) the operation of this Act; and
 - (ii) matters that affect the interests of the Aboriginal persons who ordinarily reside on the lands; and
 - (iii) the manner in which the lands are being managed, used and controlled; and
- (b) to consider any other matter referred to the Committee by the Minister; and
- (c) to provide, on or before 31 December in each year, an annual report to Parliament on the work of the Committee during the preceding financial year.

(3) The Committee is to consist of the Minister and four Members of the House of Assembly appointed by that House (of whom two must be appointed from the group led by the Leader of the Opposition).

Aboriginal Lands Trust Act 1966

(4) The seat of a Member of the Committee becomes vacant if—

- (a) the Member dies;
- (b) the Member delivers a written notice of resignation to the Speaker;
- (c) the House of Assembly is dissolved, or a term of that House expires;
- (d) the Member is removed from office by resolution of the House of Assembly.

(5) The Minister must preside at a meeting of the Committee but, if the Minister is not able to attend a meeting, a Member of the Committee nominated by the Minister may preside.

(6) Subject to subsection (7), three members constitute a quorum of the Committee.

(7) When the Committee meets for the consideration of a proposed report to Parliament, the quorum must consist of at least four members.

(8) All questions to be decided by the Committee must be decided by a majority of votes of the members present.

(9) The Minister has, in addition to a deliberative vote, a casting vote in the event of an equality of votes.

(10) The Speaker of the House of Assembly may appoint an officer of the Parliament as secretary to the Committee and such other officers of the Committee as are required for the performance of its functions.

Regulations

21. (1) The Governor may, on the recommendation of an Aboriginal community, make regulations—

- (a) regulating, restricting or prohibiting the consumption, possession, sale or supply of alcoholic liquor on a specified part of the lands;
- (b) prohibiting the inhalation or consumption of any regulated substance on a specified part of the lands;
- (c) prohibiting the possession, sale or supply of any regulated substance on a specified part of the lands for the purpose of inhalation or consumption;
- (d) providing for the confiscation, in circumstances in which a contravention of a regulation under paragraph (a), (b) or (c) is reasonably suspected, of alcoholic liquor or any regulated substance to which the suspected contravention relates;
- (e) providing for the treatment or rehabilitation (or both) of any person affected by the misuse of alcoholic liquor or any regulated substance;
- (f) prescribing fines (not exceeding a division 7 fine) for contravention of, or non-compliance with, a regulation.

(2) A regulation under subsection (1) may not be varied or revoked except on the recommendation of the Aboriginal community on whose recommendation the regulation was made.

(3) A member of the police force may seize and impound any vehicle reasonably suspected of having been used in connection with the supply of alcoholic liquor to any person on the lands in contravention of a regulation.

(4) If a vehicle is seized pursuant to subsection (3), the matter must be referred at the next available opportunity to a magistrate.

(5) A magistrate may make an order for the forfeiture of a vehicle seized pursuant to subsection (3) if the magistrate is satisfied—

- (a) that the vehicle has been used in connection with the supply of alcoholic liquor to a person on the lands in contravention of a regulation; and
- (b) that any person who so used the vehicle has, on at least one previous occasion, been found guilty of the offence of supplying alcoholic liquor to a person on the lands in contravention of a regulation; and
- (c) that in the circumstances of the case it is appropriate that the vehicle be confiscated.

(6) A court by which a person is found to have been unlawfully in possession of alcoholic liquor or a regulated substance for his or her own use in contravention of a regulation may, subject to the regulations, order that person to undergo treatment or participate in a prescribed rehabilitation programme.

(7) Subject to subsection (8), a person who contravenes or fails to comply with a regulation is guilty of a summary offence and liable to a penalty as follows:

- (a) if the regulation specifies a penalty—the penalty so specified; or
- (b) if no penalty is specified—a division 7 fine.

(8) A person who contravenes—

- (a) a regulation regulating, restricting or prohibiting the sale or supply of alcoholic liquor on the lands; or
- (b) a regulation prohibiting the sale or supply of a regulated substance on the lands for the purpose of inhalation or consumption,

is guilty of a summary offence and liable to a division 7 fine or division 7 imprisonment.

(9) In this section—

"Aboriginal community" means an Aboriginal community—

- (a) that is recognised as such by the Minister; and
- (b) the members of which ordinarily reside on land owned by the Trust;

"member of the police force" includes a special constable authorised by a member of the police force to seize a vehicle under this section;

Aboriginal Lands Trust Act 1966

"**regulated substance**" means—

- (a) petrol; or
- (b) any other substance declared by the regulations to be a regulated substance for the purposes of this section.

APPENDIX 1

LEGISLATIVE HISTORY

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 1 of The Public General Acts of South Australia 1837-1975 at page 44.
- Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Section 3:	definition of "the lands" inserted by 65, 1984, s. 2 definition of "native title", "native title holder" inserted by 3, 1998, s. 2
Section 6(5):	substituted by 16, 1993, s. 3
Section 6(6) and (7):	inserted by 16, 1993, s. 3
Section 10(3):	substituted by 16, 1993, s. 4
Section 11A:	inserted by 16, 1993, s. 5
Section 16AAA:	inserted by 3, 1998, s. 3
Section 16AA:	inserted by 16, 1993, s. 6
Section 16A:	inserted by 65, 1984, s. 3
	Part 6 comprising s. 21 and heading inserted by 6, 1990, s. 2
Sections 20A and 20B:	inserted by 58, 1991, s. 3

Aboriginal Lands Trust Act 1966**APPENDIX 2****DIVISIONAL PENALTIES AND EXPIATION FEES**

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

Note: This appendix is provided for convenience of reference only.