

South Australia

## **Aboriginal Lands Trust Regulations 2014**

under the *Aboriginal Lands Trust Act 2013*

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#### Legislative history

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Aboriginal Lands Trust Regulations 2014*.

### 2—Commencement

These regulations will come into operation on the day on which the *Aboriginal Lands Trust Act 2013* comes into operation.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Aboriginal Lands Trust Act 2013*;

*alcoholic liquor* means any beverage that at 20° Celsius contains more than 1.15% alcohol by volume and includes any substance that consists of, contains, or may be converted to, such a beverage;

*medical practitioner* means a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession;

*pharmacist* means a person registered as a pharmacist under the law of this State;

*police officer* includes a special constable appointed under the *Police Act 1998* (other than a special constable whose powers under these regulations are limited by the Commissioner of Police in accordance with that Act);

*regulated substance* means petrol;

*Umoona Community* means the whole of the land contained in Certificate of Title Register Book Volume 5581 Folio 257 and Certificate of Title Register Book Volume 5370 Folio 179;

*Yalata Reserve* means the whole of the land contained in Certificate of Title Register Book Volume 5834 Folio 851.

## Part 2—Control of alcoholic liquor and regulated substances on Umoona Community

### 4—Prohibition of possession or consumption of alcoholic liquor on Umoona Community

- (1) A person must not, while he or she is on any part of Umoona Community, possess or consume alcoholic liquor.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.

- (2) Subregulation (1) does not apply to—
- (a) the possession of alcoholic liquor by a person for the purposes of, or the consumption of alcoholic liquor by a person in the course of, a sacramental or other similar observance that takes place in the course of, or constitutes part of, a religious service; or
  - (b) the possession of alcoholic liquor by a medical practitioner or pharmacist for the purpose of sale or supply as a medicine or for specific medical reasons; or
  - (c) the possession or consumption by a person, as a medicine or for specific medical reasons, of alcoholic liquor that has been lawfully prescribed or administered by or pursuant to a direction of a medical practitioner or pharmacist.

### **5—Prohibition of sale or supply of alcoholic liquor on Umoona Community**

- (1) A person must not, while he or she is on any part of Umoona Community, sell or supply alcoholic liquor to another person.

**Note—**

The maximum penalty for an offence against this regulation is \$2 000 or imprisonment for 6 months—see section 49(3) of the Act.

- (2) Subregulation (1) does not apply to—
- (a) the supply of alcoholic liquor by a person in the course of a sacramental or other similar observance that takes place in the course of, or constitutes part of, a religious service; or
  - (b) the sale or supply of alcoholic liquor as a medicine or for specific medical reasons by a medical practitioner or pharmacist.

### **6—Prohibition of inhalation, consumption, possession, sale or supply of regulated substances on Umoona Community**

- (1) A person must not, while he or she is on any part of Umoona Community—
- (a) inhale or consume a regulated substance; or
  - (b) possess a regulated substance for the purpose of inhalation or consumption.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (2) A person must not, while he or she is on any part of Umoona Community, sell or supply a regulated substance to another person knowing or there being reasonable grounds for suspecting that the other person intends to—
- (a) use the regulated substance for the purpose of inhalation or consumption; or
  - (b) sell or supply the regulated substance for the purpose of inhalation or consumption.

**Note—**

The maximum penalty for an offence against this subregulation is \$2 000 or imprisonment for 6 months—see section 49(3) of the Act.

## **7—Confiscation of alcoholic liquor and regulated substances**

Where a police officer reasonably suspects that a contravention of regulation 4(1), 5(1) or 6 has occurred, he or she may confiscate any alcoholic liquor or regulated substance to which the suspected contravention relates.

## **Part 3—Control of alcoholic liquor and regulated substances on Yalata Reserve**

### **8—Prohibition of possession or consumption of alcoholic liquor on Yalata Reserve**

- (1) A person must not, while he or she is on any part of Yalata Reserve, possess or consume alcoholic liquor.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (2) Subregulation (1) does not apply to—
  - (a) the possession of alcoholic liquor by a person for the purposes of, or the consumption of alcoholic liquor by a person in the course of, a sacramental or other similar observance that takes place in the course of, or constitutes part of, a religious service; or
  - (b) the possession of alcoholic liquor by a medical practitioner or pharmacist for the purpose of sale or supply as a medicine or for specific medical reasons; or
  - (c) the possession or consumption by a person, as a medicine or for specific medical reasons, of alcoholic liquor that has been lawfully prescribed or administered by or pursuant to a direction of a medical practitioner or pharmacist.

### **9—Prohibition of sale or supply of alcoholic liquor on Yalata Reserve**

- (1) A person must not, while he or she is on any part of Yalata Reserve, sell or supply alcoholic liquor to another person.

**Note—**

The maximum penalty for an offence against this regulation is \$2 000 or imprisonment for 6 months—see section 49(3) of the Act.

- (2) Subregulation (1) does not apply to—
  - (a) the supply of alcoholic liquor by a person in the course of a sacramental or other similar observance that takes place in the course of, or constitutes part of, a religious service; or
  - (b) the sale or supply of alcoholic liquor as a medicine or for specific medical reasons by a medical practitioner or pharmacist.

### **10—Prohibition of inhalation, consumption, possession, sale or supply of regulated substances on Yalata Reserve**

- (1) A person must not, while he or she is on any part of Yalata Reserve—
  - (a) inhale or consume a regulated substance; or

- (b) possess a regulated substance for the purpose of inhalation or consumption.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (2) A person must not, while he or she is on any part of Yalata Reserve, sell or supply a regulated substance to another person knowing or there being reasonable grounds for suspecting that the other person intends to—
  - (a) use the regulated substance for the purpose of inhalation or consumption; or
  - (b) sell or supply the regulated substance for the purpose of inhalation or consumption.

**Note—**

The maximum penalty for an offence against this subregulation is \$2 000 or imprisonment for 6 months—see section 49(3) of the Act.

## **11—Confiscation of alcoholic liquor and regulated substances**

Where a police officer reasonably suspects that a contravention of regulation 8(1), 9(1) or 10 has occurred, he or she may confiscate any alcoholic liquor or regulated substance to which the suspected contravention relates.

## **Part 4—Miscellaneous**

### **12—Vacation of office—prescribed offences**

For the purposes of section 14(4)(d) of the Act, an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935* is a prescribed offence.

### **13—Register of Trust Land**

- (1) For the purposes of section 42(2) of the Act, the Register must include the following information in relation to each piece of Trust Land:
  - (a) details of the certificate or certificates of title for the land, including—
    - (i) the Volume and Folio numbers; and
    - (ii) the description of the land; and
    - (iii) any registered interests or charges; and
    - (iv) any other interest or instrument noted against the land;
  - (b) details of all known interests held in relation to the land that are not registered or noted on the certificate or certificates of title, which must include a description of the land the subject of the interest.
- (2) If a lease or licence exists in relation to Trust Land, the following details of the lease or licence must be included in the Register under subregulation (1):
  - (a) the name and contact details of the lessee or licensee;
  - (b) a description of the land the subject of the lease or licence;
  - (c) the commencement date;
  - (d) the expiry date;

- (e) the purpose for which the lease or licence is held.

## **14—Fees**

For the purposes of the Act and these regulations, the fees set out in Schedule 1 are prescribed.

## **Schedule 1—Fees**

Maximum fee for a copy of part of the Register

\$1.60 per page

## **Schedule 2—Revocations**

### **Part 1—Revocation of *Aboriginal Lands Trust (Umoona Community) Regulations 2007***

#### **1—Revocation of *Aboriginal Lands Trust (Umoona Community) Regulations 2007***

The *Aboriginal Lands Trust (Umoona Community) Regulations 2007* are revoked.

### **Part 2—Revocation of *Aboriginal Lands Trust (Yalata Reserve) Regulations 2005***

#### **2—Revocation of *Aboriginal Lands Trust (Yalata Reserve) Regulations 2005***

The *Aboriginal Lands Trust (Yalata Reserve) Regulations 2005* are revoked.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2014	32	<i>Gazette 6.2.2014 p558</i>	1.7.2014: r 2