

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*.

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;
 - (c) details of any development authorisation granted under the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016* that affects the piece of Trust Land, including—
 - (i) the name of the applicant in respect of the development authorisation; and
 - (ii) the number of the development authorisation; and
 - (iii) the relevant authority that granted the development authorisation; and
 - (iv) the date the development authorisation was granted; and
 - (v) the location and nature of the proposed development.

- (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.

15—References to Ministerial consent in continued leases and licences

- (1) Pursuant to section 69(2) of the Act, a provision of a lease or licence continued by Schedule 1 clause 10 of the Act referring to the need for the written consent of a Minister to be obtained before land subject to the lease or licence can be encumbered, mortgaged, sublet or assigned, or before the lessee or licensee can part with possession of the land, is void and of no effect.
- (2) Pursuant to section 69(4) of the Act, subregulation (1) will, in respect of a particular lease or licence continued by Schedule 1 clause 10 of the Act, be taken to take effect on the day that the lease or licence was granted.

Schedule 1—Fees

Maximum fee for a copy of part of the Register

\$1.60 per page

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.

Legislation revoked by principal regulations

The *Aboriginal Lands Trust Regulations 2014* revoked the following:

Aboriginal Lands Trust (Umoona Community) Regulations 2007

Aboriginal Lands Trust (Yalata Reserve) Regulations 2005

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2014	32	<i>Gazette 6.2.2014 p558</i>	1.7.2014: r 2
2018	221	<i>Gazette 18.10.2018 p3823</i>	18.10.2018: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>18.10.2018</i>
r 13		
r 13(1)	varied by 221/2018 r 4	18.10.2018
r 15	inserted by 221/2018 r 5	18.10.2018
<i>Sch 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>18.10.2018</i>