

CLAUSE NOTES

Aboriginal Lands Amendment (2024 Council Election) Bill 2023

Clause 1 **Short title**
As above.

Clause 2 **Commencement**
The Act will commence on Royal Assent. This is intended to be in 2023, to ensure fulfilment of the purpose of postponing the election due in 2024 before procedures are initiated in January 2024.

Clause 3 **Principal Act**
The *Aboriginal Lands Act 1995*.

Clause 4 **Section 7A inserted.**
Insertion of section 7A is the sole operative provision of this Bill. It is very similar to the s.7A to be inserted by clause 10 of the *Aboriginal Lands Amendment Bill 2023* (ALA Bill), of which a consultation draft has been public since 8 August 2023. If this Bill passes, clause 10 will be removed when the ALA Bill is finalised.

The proposed subsections do the following:

(1) The core intent of this Bill is to postpone the election that would otherwise, under the *Aboriginal Lands Act 1995*, take place no later than about September 2024 (hereafter “the 2024 election”). Due to various statutory timelines, this schedule requires the first public-facing steps to be taken in January 2024. The point from which other dates are derived is the calling of nominations.

The stated intent of the Government is to allow up to 18 months from the passage of the main ALA Bill for all the new processes to be ready for a new election. Assuming that the ALA Bill will pass by mid-2024, the provision for a date 15-24 months after commencement of this section (ie late 2023) will allow the intended 18 months for all the new processes to be ready for a new election.

(2) This subsection reinforces subsection (1) by specifying that the normal provisions in relation to timing do not apply to the 2024 election. Under section 7(2) and (3) the Electoral Commissioner would need to call for

nominations for the 2024 election within the period between 2 years, 9 months and 3 years, 3 months from the date (14 March 2021) on which nominations were called for the previous election.

- (3) This is a contingency, to ensure that in the unlikely event that actions in relation to the 2024 election have been taken by the time this Bill commences, they will be void.
- (4) This also provides for contingencies that are very unlikely. However, it ensures that if any election-related actions are found to require exemption from the voiding provisions, this can be managed by prescription in Regulations (see next 2 proposed subsections).
- (5) As in the previous subsection – savings and transitionals, if required, may be prescribed in Regulations. (This authorises the making of new Regulations but it is more likely that any provision would be amendment of the current *Aboriginal Lands Regulations 2018*.)
- (6) This includes standard provisions relating to the scope of Regulations.
- (7) Provides that the date set under subsection (1) shall be, where applicable, as valid in all respects as a date set in the normal way, under section 7.

Clause 5

Repeal of Act

The standard provision whereby amendment Acts are repealed a year after commencement, and after the amendments concerned have been incorporated into the principal Act.