The purpose of this bill is to amend the prescribed property provisions of the *Associations Incorporation Act* as they apply to Aboriginal community living areas excised from pastoral leases.

Part 8 of the *Pastoral Land Act* provides a legislative regime whereby eligible Aboriginal applicants can gain excisions from the pastoral lease for community living area purposes. The legislation, initially contained in the *Crown Lands Act*, is based on a memorandum agreement signed in 1989 between the then Prime Minister and the then Chief Minister of the Northern Territory. The establishment of the community living areas legislation resulted in consequential amendments to other legislation, including the addition of sections 26A(5), (6) and (7), to the *Associations Incorporation Act*. These sections prevent the minister from consenting to a disposal, charge or dealing with all or part of such land registered to an incorporated association or Aboriginal corporation, other than for the purposes of registering an easement or having an abandoned community living area reincorporated into the pastoral lease from which it was excised.

The wording of sections 26A(5), (6) and (7), whilst giving effect to the intention expressed in the agreement that there be statutory protection against alienation or encumbrance of the land, is now considered overly restrictive. For example, solicitors acting for one community have requested ministerial consent to the transfer of land held by that association to a newly incorporated association formed by the residents of that community solely for that purpose. This request was a culmination of an extensive restructuring of the affairs of that community following recommendations from both ATSIC and the then Department of Local Government. The transfer, while supported, is not permitted under the current wording of sections 26A(5) of the act.

Another community secured funding from the Commonwealth funded organisation for the building of a health centre. The funding was jeopardised, as the community was not able to legally grant a lease in favour of the funding body, for the premises to be occupied by the health centre. I understand the Registrar of Aboriginal Corporations, under the *Commonwealth Aboriginal Councils and Associations Act 1976*, faces similar problems when dealing with Aboriginal corporations. The proposed amendment would overcome these difficulties while preserving the original intention of the restrictions; which is to prevent the loss of the land through financial mismanagement, sale of the land, or the lease of the land for purposes outside the original intent of the grant of the title.

The proposed amendment will permit the minister to consent to a dealing in the land, but only in limited circumstances. The first of these circumstances is where it is proposed that the land be transferred to an incorporated association, or Aboriginal corporation that has similar objects and substantially the same members as the incorporated association or Aboriginal corporation that intends to transfer the land. The second circumstance is the granting of a lease for the purposes of the provision of health, education, housing or financial services to the members of the incorporated association, or Aboriginal corporation. The proposed amendment would permit the minister some discretion to consent to a dealing in the land for those restricted purposes, which will be of benefit to the Aboriginal persons for whose benefit the land was granted.

In keeping with the spirit of the 1989 agreement between the then Prime Minister and the then Chief Minister, the then Minister for Industries and Business provided a copy of the draft bill in early 2001 to the then federal Minister of Reconciliation and Aboriginal and Torres Strait Islander Affairs, Hon Philip Ruddock MP, for comment. I am pleased to advise that the federal minister indicated his agreement with the provisions of the proposed amendments in March 2001.

I commend the bill to honourable members.

Debate adjourned.

AERODROMES ACT REPEAL BILL
(Serial 98)

Bill presented and read a first time.

Mr VATSKALIS (Transport and Infrastructure)(by leave): Madam Speaker, I move that the bill be now read a second time. I advise members that it is our intention to proceed with this legislation during the November sittings.

At the Council of Australian Government's meeting of April 1995, heads of government signed three agreements establishing the National Competition Policy. They are commonly referred to as the NCP Agreements. Under the National Competition Policy Agreements, all states and territories were required to develop timetables for reviewing all existing legislation, conduct reviews in accordance with the timetable and, where appropriate, amend or repeal legislation that restricts competition.