

Aboriginal Intestate Estates Legislation Amendment Bill 2012

EXPLANATORY MEMORANDUM (E290)

(Introduced by Mr B. Wyatt, MLA)

- Clause 1** **Short title**
This is the *Aboriginal Intestate Estates Legislation Amendment Act 2012*.
- Clause 2** **Commencement**
Part 1 of the Act comes into operation on the day on which the Act receives Royal Assent and the rest of the Act on the day after that day.
- Clause 3** **Act amended**
This Part amends the *Aboriginal Affairs Planning Authority Act 1972* (the 'AAPA Act').
- Clause 4** **Part IV heading amended**
Amends the heading of Part IV of the AAPA Act from 'Estates and property of Aboriginal persons' to 'Undelivered property of Aboriginal persons'.
- Clause 5** **Sections 33, 34 and 35 deleted**
This clause deletes sections 33, 34 and 35 of the AAPA Act.
- Clause 6** **Section 36 amended**
This clause amends section 36 of the AAPA Act to insert 'or the administrator of the estate' after 'will'.
- Clause 7** **Section 37 amended**
This clause amends section 37 of the AAPA Act by deleting 'this Part' and inserts 'any law'.
- Clause 8** **Part VII inserted**
Inserts a new Part VII into the AAPA Act which are transitional provisions necessary as a result of the amendments contained in the Act. This inserts a new section 52 that has the definition of 'commencement day' and of 'the amendments'. A new section 53 is also inserted into the AAPA Act to stipulate that the amendments in the Act do not apply to any person who died before commencement day.
- Clause 9** ***Administration Act 1903* amended**
This clause amends the *Administration Act 1903*.
- Clause 10** **Section 3 of *Administration Act 1903* amended**
This clause inserts the definition of 'Aboriginal person' into the *Administration Act 1903*.

- Clause 11** **Section 4A inserted**
This clause inserts section 4A into the *Administration Act 1903*. This amendment stipulates that for the purposes of the *Administration Act 1903* a reference to a person's husband, wife, child or any other relative includes, in the case of an Aboriginal person, a person regarded under the customary law or tradition of the person's community as the equivalent of that relative.
- Clause 12** ***Unclaimed Money Act 1990* amended**
This clause amends the *Unclaimed Money Act 1990*.
- Clause 13** **Section 9 of the *Unclaimed Money Act 1990* amended**
This clause deletes the current section 9(1)(a) of the *Unclaimed Money Act 1990* and inserts a new section 9(1)(a) to deal with the amendments contained in the Act.
- Clause 14** ***Aboriginal Affairs Planning Authority Act Regulations 1972* amended**
This clause amends the *Aboriginal Affairs Planning Authority Act Regulations 1972* (the 'Regulations').
- Clause 15** **Regulation 9 deleted**
This clause deletes regulation 9 of the Regulations.
- Clause 16** **Form 3 deleted**
This clause deletes Form 3 in the Schedule to the Regulations.
- Clause 17** **Power to amend or repeal the Regulations unaffected**
This clause stipulates that this amendment does not prevent the Regulations from being amended or repealed by subsequent regulations.