



New South Wales

Aboriginal Land Rights Amendment (Gandangara Estate) Act 2004 No 69

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Aboriginal Land Rights Amendment (Gandangara Estate) Act 2004 No 69

Act No 69, 2004

An Act to amend the *Aboriginal Land Rights Act 1983* to make provision for the validity of Gandangara Estate land dealings by the Gandangara Local Aboriginal Land Council. [Assented to 28 September 2004]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Aboriginal Land Rights Amendment (Gandangara Estate) Act 2004*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Aboriginal Land Rights Act 1983 No 42

The *Aboriginal Land Rights Act 1983* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Section 3)

Schedule 4 Savings, transitional and other provisions

Insert after Part 5:

Part 6 Aboriginal Land Rights Amendment (Gandangara Estate) Act 2004

35 Definitions

In this Part:

disposal of land means sale, exchange, mortgage or other disposal of land, change of use of land and the grant of an easement over land, and includes purported disposal of land.

Gandangara Estate land means the land comprised in Deposited Plan 1061416, being the land formerly comprising lots 6081–6084 (inclusive) in Deposited Plan 1018026 and lot 2 in Deposited Plan 1041291.

Gandangara LALC means the Gandangara Local Aboriginal Land Council.

36 Gandangara Estate—deemed compliance with ss 40B and 40D

The requirements of sections 40B and 40D are deemed to have been complied with in respect of any disposal of Gandangara Estate land by Gandangara LALC before the commencement of this Part, and it is to be conclusively presumed for all purposes that any such disposal does not (and did not ever) contravene either of those sections.

37 Validation

- (1) Any disposal before the commencement of this Part of Gandangara Estate land by Gandangara LALC or by a person to whom Gandangara Estate land was disposed of before that commencement is validated to the extent of any invalidity that would otherwise have resulted from any contravention of section 40B or 40D in connection with the disposal.
- (2) Any act or omission by the Registrar-General in the exercise or purported exercise of a function under the *Real Property Act 1900* in connection with a disposal of Gandangara Estate land before the commencement of this Part is validated to the extent

of any invalidity that would otherwise have resulted from any contravention of section 40B or 40D in connection with any such disposal.

38 Certificate evidence

- (1) A certificate may be given under section 40D (2) certifying that a disposal of Gandangara Estate land by Gandangara LALC before the commencement of this Part does not contravene section 40D.
- (2) The failure to give or obtain such a certificate does not limit or otherwise affect the operation of this Part or prevent the exercise of any function of the Registrar-General.
- (3) The Registrar-General is not required to obtain, and is not to require any other person to obtain, such a certificate as a condition of or as authority for the exercise of any function of the Registrar-General with respect to any such disposal of land.

39 Notice of contravention

This Part has effect despite any notice that any person has or had of any contravention of section 40B or 40D in connection with any disposal of Gandangara Estate land. In particular any such notice has no effect for the purposes of section 40D (2) and any certificate issued under that subsection.

[Second reading speech made in—
Legislative Assembly on 14 September 2004
Legislative Council on 21 September 2004]

BY AUTHORITY