



ANNO TRICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1990

No. 6 of 1990

An Act to amend the Aboriginal Lands Trust Act, 1966.

[Assented to 5 April 1990]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Aboriginal Lands Trust Act Amendment Act, 1990*.
- (2) The *Aboriginal Lands Trust Act, 1966*, is referred to in this Act as "the principal Act".

Insertion of new Part

2. The following Part is inserted after Part V of the principal Act:

PART VI

MISCELLANEOUS

Regulations

21. (1) The Governor may, on the recommendation of an Aboriginal community, make regulations—
 - (a) regulating, restricting or prohibiting the consumption, possession, sale or supply of alcoholic liquor on a specified part of the lands;
 - (b) prohibiting the inhalation or consumption of any regulated substance on a specified part of the lands;
 - (c) prohibiting the possession, sale or supply of any regulated substance on a specified part of the lands for the purpose of inhalation or consumption;
 - (d) providing for the confiscation, in circumstances in which a contravention of a regulation under paragraph (a), (b) or (c) is reasonably suspected, of alcoholic liquor or any regulated substance to which the suspected contravention relates;
 - (e) providing for the treatment or rehabilitation (or both) of any person affected by the misuse of alcoholic liquor or any regulated substance;

(f) prescribing fines (not exceeding a division 7 fine) for contravention of, or non-compliance with, a regulation.

(2) A regulation under subsection (1) may not be varied or revoked except on the recommendation of the Aboriginal community on whose recommendation the regulation was made.

(3) A member of the police force may seize and impound any vehicle reasonably suspected of having been used in connection with the supply of alcoholic liquor to any person on the lands in contravention of a regulation.

(4) If a vehicle is seized pursuant to subsection (3), the matter must be referred at the next available opportunity to a magistrate.

(5) A magistrate may make an order for the forfeiture of a vehicle seized pursuant to subsection (3) if the magistrate is satisfied—

(a) that the vehicle has been used in connection with the supply of alcoholic liquor to a person on the lands in contravention of a regulation;

(b) that any person who so used the vehicle has, on at least one previous occasion, been found guilty of the offence of supplying alcoholic liquor to a person on the lands in contravention of a regulation;

and

(c) that in the circumstances of the case it is appropriate that the vehicle be confiscated.

(6) A court by which a person is found to have been unlawfully in possession of alcoholic liquor or a regulated substance for his or her own use in contravention of a regulation may, subject to the regulations, order that person to undergo treatment or participate in a prescribed rehabilitation programme.

(7) Subject to subsection (8), a person who contravenes or fails to comply with a regulation is guilty of a summary offence and liable to a penalty as follows:

(a) if the regulation specifies a penalty—the penalty so specified;

or

(b) if no penalty is specified—a division 7 fine.

(8) A person who contravenes—

(a) a regulation regulating, restricting or prohibiting the sale or supply of alcoholic liquor on the lands;

or

(b) a regulation prohibiting the sale or supply of a regulated substance on the lands for the purpose of inhalation or consumption,

is guilty of a summary offence and liable to a division 7 fine or division 7 imprisonment.

(9) In this section—

“Aboriginal community” means an Aboriginal community—

(a) that is recognized as such by the Minister;

and

(b) the members of which ordinarily reside on land owned by the Trust:

“member of the police force” includes a special constable authorized by a member of the police force to seize a vehicle under this section:

“regulated substance” means—

(a) petrol;

or

(b) any other substance declared by the regulations to be a regulated substance for the purposes of this section.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor