WESTERN AUSTRALIA.

ABORIGINAL AFFAIRS PLANNING AUTHORITY.

No. 100 of 1973.

AN ACT to make provision for the administration of the Aboriginal Affairs Planning Authority Act, 1972, pursuant to an Arrangement between the Commonwealth and the State for the purposes of both the Commonwealth and the State, to amend the Aboriginal Affairs Planning Authority Act, 1972, and for incidental and other purposes.

[Assented to 28th December, 1973.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Aboriginal short title Affairs Planning Authority Act Amendment Act, citation. 1973. Act No. 24 of 1972.

(2) In this Act the Aboriginal Affairs Planning Authority Act, 1972, is referred to as the principal Act.

(3) The principal Act as amended by this Act may cited as the Aboriginal Affairs Planning be Authority Act. 1972-1973.

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

S. 2A added.

The principal Act is amended by adding after section 2 a new section as follows-

Act subject to Arrange-ment with the Commonwealth. 3.

2A. (1) The provisions of this Act are subject to the provisions of any Arrangement or supplementary Arrangement of the kind referred to in the Aboriginal Affairs (Arrangements with the States) Act 1973 of the Commonwealth Parliament, or any Act passed in amendment of, or substitution for, that Act by the Commonwealth Parliament which is entered into by the Governor-General of the Commonwealth pursuant to authority conferred by that Act, and is entered into by the Governor pursuant to this section, and for the time being subsisting.

(2) The Governor on behalf of the State may enter into any Arrangement or supplementary Arrangement of the kind referred to in the Aboriginal Affairs (Arrangements with the States) Act 1973, of the Commonwealth Parliament, or any Act passed in amendment of, or substitution for, that Act by the Commonwealth Parliament, with the Governor-General of the Commonwealth with respect to the administration of this Act for the purposes of both the Commonwealth and the State.

(3) Without prejudice to the generality of the power conferred by subsection (2) of this section, the Governor on behalf of the State

1973.] Aboriginal Affairs Planning [No. 100 Authority.

may enter into an Arrangement with the Governor-General of the Commonwealth in, or substantially in, the form of Arrangement set out in the Second Schedule to this Act.

(4) Any Arrangement or supplementary Arrangement entered into pursuant to this section by the Governor on behalf of the State with the Governor-General of the Commonwealth has by virtue of this subsection effect according to its tenor.

4. Section 3 of the principal Act is amended by Section 3 amended. deleting the passage "SCHEDULE.", in line nine, and substituting a new passage as follows-

"FIRST SCHEDULE.

SECOND SCHEDULE."

Section 19 amended. 5. Subsection (4) of section 19 of the principal Act is amended by inserting after the word "the". in line two of that subsection, the word "First".

6. The principal Act is amended by substituting schedule amended. for the heading "SCHEDULE." where it appears section 51, the heading following "FIRST SCHEDULE."

7. The principal Act is amended by adding after Second Schedule the First Schedule a Second Schedule as followsadded.

SECOND SCHEDULE.

S. 2A.

AN ARRANGEMENT entered into BETWEEN HIS EXCEL-LENCY THE GOVERNOR-GENERAL OF AUSTRALIA acting with the advice of the Federal Executive Council AND HIS EXCELLENCY THE GOVERNOR OF THE STATE OF WEST-ERN AUSTRALIA acting with the advice of the Executive

1. In this arrangement, unless the context requires otherwise----

"Australian Government" means the Government of the Commonwealth of Australia;

- "Authority" means the Aboriginal Affairs Planning Authority constituted by the State Act;
- "Commissioner for Aboriginal Planning" means the Commissioner for Aboriginal Planning provided for by the State Act;
- "Department" means the Department of Aboriginal Affairs of the Australian Government and includes any department to which that Government allocates responsibility for Aboriginal affairs;
- "Director" means the Director for Western Australia of the Department and includes a person who is for the time being carrying out the duties of that office;
- "Secretary" means the Secretary to the Department and includes a person who is for the time being carrying out the duties of that office;
- "State" means the State of Western Australia;
- "the State Act" means the Aboriginal Affairs Planning Authority Act, 1972, of the State.

2. The Australian Government will establish in the State an Office of the Department (hereinafter referred to as "the State Office") for the administration of Australian Government and State responsibilities for the planning, co-ordination and financing of such activities as are designed to promote the economic, social and cultural advancement of the Aboriginal people.

3. (1) The Minister of the State responsible for the administration of the State Act will not exercise any power residing in the Minister under or in respect of the State Act without having regard to the purpose and effectuation of this arrangement and except after appropriate prior consultation between the Australian Government and the State concerning the proposed exercise of the power.

(2) Subclause (1) of this clause shall not apply to powers of the Minister in relation to sections 19 to 38 inclusive of the State Act.

(3) The Minister shall have access to all information that he requires in relation to the administration of the State Act.

4. (1) The functions of the State Office shall include the administration of the State Act, including the maintenance of the effective operation of—

(i) the Aboriginal Advisory Council established under section 18;

- (ii) the Aboriginal Affairs Co-ordinating Committee established under section 19:
- (iii) the Aboriginal Lands Trust established by section 20.

(2) For the purposes of the administration of the State Act the Director is empowered by this arrangement to exercise and perform such powers and functions as are conferred on the Authority under the State Act.

(3) The responsibility of the State Office for the Aboriginal Advisory Council shall cease if and when the Australian Government creates some other body which the State accepts as an adequate substitute therefor.

(1) The Australian Government will create an office in 5. the Australian Public Service of Director for Western Australia who shall be responsible, under the general control and supervision of the Secretary, for the administration of the State Office.

(2) The person occupying the office of Commissioner for Aboriginal Planning at the date of this arrangement shall be entitled to elect to be appointed, upon and subject to the provisions of the Aboriginal Affairs (Arrangements with the States) Act 1973 and of the Public Service Act 1922-1973 of the Parliament of the Commonwealth, to the office of Director, and upon being so appointed shall be required to resign from the Public Service of the State but shall continue to occupy the office of Commissioner for Aboriginal Planning.

(3) Appointments to the office of Director, otherwise than under subclause (2) of this clause, as and when that office becomes vacant will be made in accordance with and subject to the procedures of the Australian Government after consultation between the Secretary and the appropriate State authorities and the State will, in accordance with and subject to its own procedures, at the same time appoint the same person to the office of Commissioner for Aboriginal Planning.

(4) The person from time to time appointed the Commissioner for Aboriginal Planning in accordance with the terms of this arrangement shall have all such powers, authorities and responsibilities as are conferred upon that office by the State Act.

(1) The staff other than the Director required for the State Office will be as determined in accordance with the normal procedures of the Australian Government.

(2) Nothing contained in this arrangement prevents the State from retaining any of its existing employees or appointing pursuant to the State Act a reasonable number of new employees to administer those provisions of the State Act that are mentioned in clause 3 (2) hereof.

7.

(1) The Australian Government shall offer, in accordance with the provisions of the Aboriginal Affairs (Arrangements with the States) Act 1973, to appoint to, or employ in, the Australian Public Service to perform duties in the Department all persons who are officers or other employees of the Authority at the date of this arrangement and every such offer shall give particulars of the conditions of employment and allowances which the Public Service Board deter-

Act. (2) An officer or employee who elects to be appointed or employed, as provided in the last preceding subclause, shall. with the consent of the Australian Public Service Board be so appointed or employed without medical or other examination and the conditions of employment shall be as provided in the Aboriginal Affairs (Arrangements with the States) Act 1973.

mines pursuant to the provisions of section 12 of the said

(3) The provisions of the last preceding subclause, so far as they relate to appointment and conditions of employment, shall apply to the person referred to in subclause (2) of clause 5 of this arrangement.

(4) Officers and employees referred to in subclause (1) of this clause shall include-

- (i) permanent officers of the Public Service of the State:
- (ii) temporary officers of the Public Service of the State: and
- (iii) employees of the State who are not officers of the Public Service of the State, but who have been engaged as employees with the approval of the Minister of the State responsible for the administration of the State Act.

(5) Persons appointed to, or engaged for employment in. the Australian Public Service as provided in subclause (2) of this clause shall be required to perform such duties as are directed by the Secretary or the Director.

8. (1) The office of the Director will be located in the capital city of the State and will not be removed elsewhere except with the agreement of the appropriate authorities of the State.

(2) Offices of the State Office will be located in the capital city of the State and in such other places in the State as may be determined by the Secretary.

9. (1) The State will make available, free of charge, to the Australian Government, for use by the State Office all vehicles, furniture, books, records and other equipment in use by the Authority at the date of this arrangement.

1973.] Aboriginal Affairs Planning [No. 100 Authority.

(2) The records referred to in the last preceding subclause shall include those relating to-

- (i) the operations of the Authority; and
- (ii) members of the staff of the Authority who are transferred to the service of the Australian Government in accordance with this arrangement.

10. Subject to this arrangement the Australian Government will meet the full cost of the staff, equipment, office accommodation and all other things required for the administration of the State Office.

19. Dated this day of

By His Excellency's Command,

Governor-General.

By His Excellency's Command,

Governor.