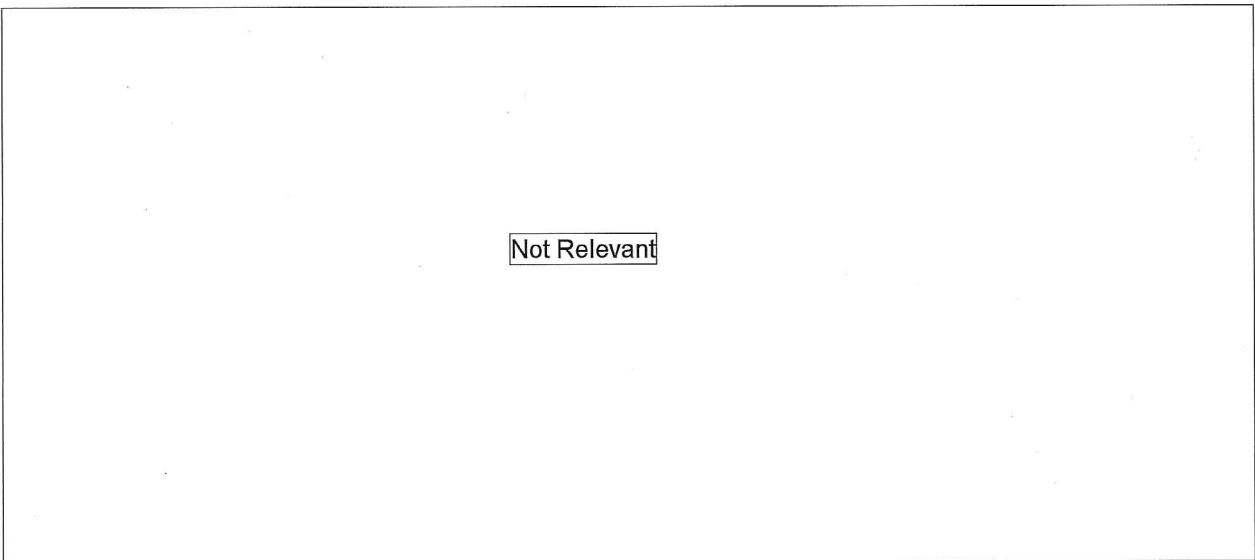


15      DFCCS/05/013      Housing and Urban Development (Administrative Arrangements) (South Australian Aboriginal Housing Authority) Variation Regulations 2005  
**APPROVED**



TO: THE PREMIER FOR CABINET SUB-COMMITTEE AND EXECUTIVE COUNCIL

RE: HOUSING AND URBAN DEVELOPMENT (ADMINISTRATIVE ARRANGEMENTS) (SOUTH AUSTRALIAN ABORIGINAL HOUSING AUTHORITY) VARIATION REGULATIONS 2005

1. PROPOSAL

- 1.1 To seek Cabinet Sub-Committee and Executive Council approval for the settled *Housing and Urban Development (Administrative Arrangements) (South Australian Aboriginal Housing Authority) Variation Regulations 2005* made under the *Housing and Urban Development (Administrative Arrangements) Act 1995* to alter the regulations following the abolition of the Aboriginal and Torres Strait Islander Commission and provide new governance arrangements for the South Australian Aboriginal Housing Authority (AHA).

2. BACKGROUND

- 2.1 The AHA was formally proclaimed as a statutory corporation on 22 October 1998, under the *Housing and Urban Development (Administrative Arrangements) Act 1995*, and pursuant to section 10AA(2) of the *Subordinate Legislation Act 1978*.
- 2.2 The Regulations to establish the South Australian Aboriginal Housing Authority under the Act require that the board of management of the AHA consist of nine members, five of whom will be appointed by the Governor on the nomination of the Minister (one of whom will be appointed as the presiding member). The remaining four positions are appointed by the Governor on the nomination of ATSIIC.
- 2.3 ATSIIC was abolished on the 1<sup>st</sup> of July 2005.

3. DISCUSSION

- 3.1 The current regulations have provided a framework under which the AHA can operate without ATSIIC, however amendments are considered necessary to the Regulations in order to clarify the composition of the AHA Board.
- 3.2 Furthermore the Board membership currently stands at 5 members and 4 Deputy Members and the board have stressed their impeded ability to properly manage its duties with so few members.

**3.9.2 Regional Impact**

The proposed amendments will deliver a better representation from the traditional regions of the indigenous peoples of South Australia on the AHA board.

**3.9.3 Small business Impact**

No small business impact has been identified.

**3.9.4 Environmental Impact**

No environmental impact has been identified.

**3.9.5 Impact on families and society**

The level of experience and commitment to the South Australian Aboriginal community brought to the Board by its members assists the AHA to ensure it meets its charter to provide coordinated responses to housing and housing related services to the Indigenous community of South Australia.

**3.10 Risk Management Strategy**

3.10.1 There are no risks identified.

**3.11 Consultation**

3.11.1 Consultation with AHA Board and Policy forum members indicates positive support for the changes.

3.11.2 Consultation with representatives from the Federal Government Department for Family and Community Services also indicates support for the amendments to the regulations

3.11.3 Consultation also occurred during the Cabinet commenting process, during which the Minister for the Status of Women suggested the regulations could strengthen the Government's commitment to equal gender participation on boards and committees, this has been incorporated into the settled regulations.

**3.12 Implementation Plan**

3.12.1 Once the regulations have been made the entire Board will be appointed under the new regulations.

**3.13 Communication Strategy**

3.13.1 Not applicable

3.14 Executive Council

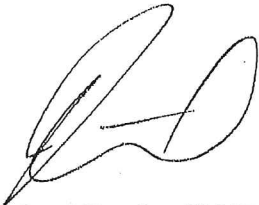
3.14.1 These regulations are required to be made by the Governor in Executive Council.

4. RECOMMENDATIONS

That Cabinet recommend:

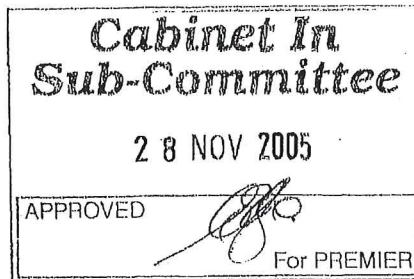
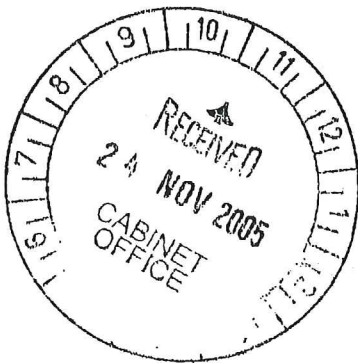
4.1 That Her Excellency the Governor in Executive Council make the *Housing and Urban Development (Administrative Arrangements) (South Australian Aboriginal Housing Authority) Variation Regulations 2005* made under the *Housing and Urban Development (Administrative Arrangements) Act 1995* to provide new governance arrangements for the South Australian Aboriginal Housing Authority.

4.2 The regulations are to come into effect on the day they are made.



Hon Jay Weatherill MP  
MINISTER FOR HOUSING

28/11 12005





for PC

South Australia

## Housing and Urban Development (Administrative Arrangements) (South Australian Aboriginal Housing Authority) Variation Regulations 2005

under the *Housing and Urban Development (Administrative Arrangements) Act 1995*

### Contents

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### Part 2—Variation of Housing and Urban Development (Administrative Arrangements) (South Australian Aboriginal Housing Authority) Regulations 1998

- 4 Variation of regulation 3—Interpretation
- 5 Variation of regulation 5—Board of management
- 6 Variation of regulation 7—Business plans to be prepared

### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Housing and Urban Development (Administrative Arrangements) (South Australian Aboriginal Housing Authority) Variation Regulations 2005*.

#### 2—Commencement

These regulations come into operation on the day on which they are made.

#### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### Part 2—Variation of Housing and Urban Development (Administrative Arrangements) (South Australian Aboriginal Housing Authority) Regulations 1998

#### 4—Variation of regulation 3—Interpretation

Regulation 3, definition of *ATSIC*—delete the definition

### **5—Variation of regulation 5—Board of management**

Regulation 5(1)—delete subregulations (1), (1a) and (1b) and substitute:

- (1) The board of management of the Authority will be constituted of 9 members, appointed by the Governor on the nomination of the Minister, of whom—
  - (a) at least 2 must, in the opinion of the Minister, be appropriate representatives of Anangu Pitjantjatjara Yankunytjatjara, Maralinga Tjarutja or the Aboriginal Lands Trust; and
  - (b) at least 1 must, in the opinion of the Minister, be an appropriate representative of the Patpa Warra Yunti (Adelaide) region; and
  - (c) at least 1 must, in the opinion of the Minister, be an appropriate representative of the Wangka Wilurrara (Ceduna) region; and
  - (d) at least 1 must, in the opinion of the Minister, be an appropriate representative of the Nulla Wimila Kutju (Port Augusta) region.
- (1a) Without derogating from the need to properly assess merit in selecting persons for appointment to the board the Minister must, as far as practicable, nominate equal numbers of women and men.

### **6—Variation of regulation 7—Business plans to be prepared**

- (1) Regulation 7(1)—delete "strategic" and substitute:  
business
- (2) Regulation 7(2)—delete "strategic" and substitute:  
business
- (3) Regulation 7(2)(c)—delete paragraph (c)

#### **Notes—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

#### **Made by the Governor**

with the advice and consent of the Executive Council  
on

No            of 2005

DFCCS/05/013

**CERTIFICATE OF VALIDITY**

I certify that the proposed regulations under the

**HOUSING AND URBAN DEVELOPMENT (ADMINISTRATIVE  
ARRANGEMENTS) ACT 1995**

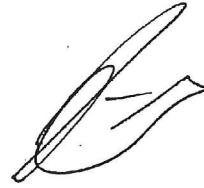
attached to this certificate and initialled by me are within the powers conferred by that Act.



for **PARLIAMENTARY COUNSEL**  
**31 October 2005**

## CERTIFICATE OF EARLY COMMENCEMENT

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the *Housing and Urban Development (Administrative Arrangements) (South Australian Aboriginal Housing Authority) Variation Regulations 2005* under the *Housing and Urban Development (Administrative Arrangements) Act 1995* (copy attached and initialled by me) come into operation as set out in those regulations.



Minister for Housing

DFCCS/05/013

**Minute to Legislative Review Committee**

**2 pages removed**

**Exempt clause 17(c) – Parliamentary Privilege**