

Explanatory Statement

Recognition of Representative Aboriginal/Torres Strait Islander Body 2008 (No. 1)

This instrument is made under subsection 203AD(1) of the *Native Title Act 1993* (the Act).

This subsection, which took effect on 15 April 2007, provides that the Commonwealth Minister for Families, Housing, Community Services and Indigenous Affairs may, by legislative instrument, recognise as the representative body for an area, a body that has applied under section 203AB to be the representative body for the area if the Minister is satisfied under section 203AD that:

- (a) if the body is already a representative body, that it satisfactorily performs its existing functions; and
- (b) the body would be able to perform satisfactorily the functions of a representative body.

The South West Aboriginal Land and Sea Council Aboriginal Corporation (SWALSC), the existing representative body for the area described in the Schedule that was recognised as the representative body for the area until 30 June 2008, was invited by the Minister under section 203A to apply for recognition as the representative body for the area described in the Schedule. SWALSC subsequently applied for recognition as the representative body for that area.

SWALSC was advised of criteria to which the Minister would have regard in making decisions about the recognition period. They were also advised that it was open to them to provide comments or information about appropriate recognition terms and that any relevant information would be taken into account.

Paragraph 203AD(2D)(b) of the Act also provides that recognition of a representative body that has applied for recognition on the basis of an invitation in which no period of recognition was specified, then the period of recognition in the instrument must be no less than two years and no more than six years.

On the basis of the information provided, the Minister decided to recognise SWALSC for a period of two years from 1 July 2008.

The instrument provides that the recognition of the SWALSC as the representative body for the area commences on 1 July 2008 and will cease to have effect at the end of 30 June 2010. The instrument also revokes, with effect from its commencement, the ***Recognition of Representative Aboriginal/Torres Strait Islander Body 2007 (No. 3)***.

The instrument is not regulatory in nature, will not impact on business activity and will have no compliance costs for business or competition impact.