

LAND ADMINISTRATION ACT 1997
LAND ADMINISTRATION REGULATIONS 1998

INSTRUMENT OF DELEGATION

I, **John Newton Carey MLA**, acting in my capacity as the body corporate Minister for Lands continued by section 7(1) of the *Land Administration Act 1997* (Act):

- (a) Under section 9 of the Act, delegate to the persons for the time being holding or acting in the positions in the Department's Land Use Management Division specified in Column 1 of the Schedule, the powers conferred and duties imposed on me by the provisions of the Act specified in Column 2 of the Schedule opposite the positions, to the extent specified (if at all) in Column 3 of the Schedule opposite the powers and duties, except that no powers are delegated to officers of the Department in respect of the execution of any LAA Instrument that is to, or for the benefit of, the Native Title Party under a Native Title Agreement except as provided for in paragraphs (b) and (c) below;
- (b) Under section 9 of the Act, delegate to the Director General of the Department the power to execute any LAA Instrument that is to, or for the benefit of, the Native Title Party or any other person under a Native Title Agreement; and
- (c) Under section 9 of the Act, delegate to the Assistant Director General (Class 2), and the Executive Directors (Class 1) of the Land Use Management Division of the Department, the power to execute any LAA Instrument that is to, or for the benefit of, the Native Title Party or any other person under a Native Title Agreement.

For the avoidance of doubt, this instrument of delegation is supplemental to the Instruments of Delegation under section 9 of the Act conferring powers on officers within the Department's Land Use Management Division as published in the Gazette of 19 August 2022 and 30 January 2024.

Interpretation

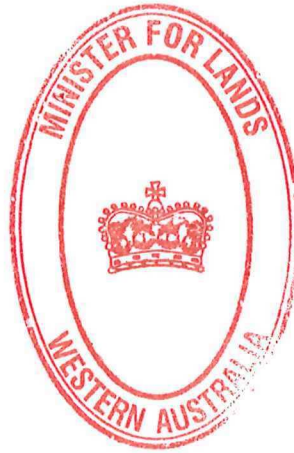
In this Instrument of Delegation, unless the context otherwise requires:

1. "ILUA" means an agreement that is or intended to be registered as an indigenous land use agreement under the *Native Title Act 1993* (Cth) (NTA).
2. "LAA Instrument" has the same meaning as the term "instrument" is defined in the Act but also includes deeds or documents forming part of, referred to, appended or annexed to an Instrument.
3. "Native Title Agreement" means any agreement that is:
 - (i) an ILUA;
 - (ii) a deed under section 31 of the NTA;
 - (iii) an agreement for the withdrawal or 'lifting' of objections made under s24MD(6B) of the NTA and/or the Act; or
 - (iv) a letter of intent, a "letter agreement" or any similar type of arrangement,

under which Crown land has been agreed to be the subject of a LAA Instrument or any other type of benefit has been agreed to be conferred on a Native Title Party or any other person, in exchange for an outcome being achieved or intended to be achieved under the NTA and/or the Act in respect of native title rights and interests claimed or held in the relevant Crown land.

4. "Native Title Party" means any person or persons on whom a benefit is being conferred pursuant to a Native Title Agreement (including under a LAA Instrument) as consideration for the outcome under the NTA and/or the Act in respect of native title rights and interests claimed or held in the relevant Crown land.

5. "person" includes a natural person, public body, company, or association or body of persons, corporate or unincorporated.
6. A reference to a position or a division name, contemplates and includes a reference to its successor in title.



The common seal of the)
 Minister for Lands is hereto affixed on)
 This 18th day of SEPTEMBER 2024)

(Minister's signature) _____
HON JOHN NEWTON CAREY MLA
MINISTER FOR LANDS

In the presence of: KATHERINE SARAH MCKELWIG
 (PRINT NAME IN FULL)

(Witness' signature).....

SCHEDULE

Column 1: Office	Column 2: Provisions of the Act and Regulations	Column 3: Extent of delegations
Director General	<p>Section 11A(2), 11A(3), 11B, 22(4), 42(6), 45(5A), 50(3), 56(3A), 58(2)(a), 58(2)(b), 58A(2), 58A(3) 81A(2), 81A(3), 92F, 122H, 122I, 123A(1), 123A(4), 123B(3), 147(2)</p> <p>Processing Powers under section 50(1)(b), 50(2), 58(2), 58A(1), 92B, 92C, 92G, 105A, 105B</p>	<p>Section 50(3): Limited to where all interests continue to exist.</p> <p>'Processing Powers': Power to execute instruments and letters to give effect to a decision of the Minister or his delegates.</p>
Class 2	<p>Section 11A(2), 11A(3), 11B, 22(4), 42(6), 45(5A), 50(3), 56(3A), 58(2)(a), 58(2)(b), 58A(2), 58A(3), 81A(2), 81A(3), 92F, 122H, 122I, 123A(1), 123A(4), 123B(3), 147(2)</p> <p>Processing Powers under section 50(1)(b), 50(2), 58(2), 58A(1), 92B, 92C, 92G, 105A, 105B</p>	<p>Section 50(3): Limited to where all interests continue to exist.</p> <p>'Processing Powers': Power to execute instruments and letters to give effect to a decision of the Minister or his delegates.</p>
Class 1	<p>Section 11A(2), 11A(3), 11B, 22(4), 42(6), 45(5A), 50(3), 56(3A), 58(2)(a), 58(2)(b), 58A(2), 58A(3), 81A(2), 81A(3), 92F, 122H, 122I, 123A(1), 123A(4), 123B(3), 147(2)</p> <p>Processing Powers under section 50(1)(b), 50(2), 58(2), 58A(1), 92B, 92C, 92G, 105A, 105B</p>	<p>Section 50(3): Limited to where all interests continue to exist.</p> <p>'Processing Powers': Power to execute instruments and letters to give effect to a decision of the Minister or his delegates.</p>
Level 8	<p>Section 11A(2), 11A(3), 11B, 22(4), 42(6), 45(5A), 50(3), 56(3A), 58(2)(a), 58(2)(b), 58A(2), 58A(3), 81A(2), 81A(3), 92F, 122H, 122I, 123A(1), 123A(4), 123B(3), 147(2)</p> <p>Processing Powers under section 50(1)(b), 50(2), 58(2), 58A(1), 92B, 92C, 92G, 105A, 105B</p>	<p>Section 50(3): Limited to where all interests continue to exist.</p> <p>'Processing Powers': Power to execute instruments and letters to give effect to a decision of the Minister or his delegates.</p>
Level 7 SCL 4	<p>Section 11A(2), 11A(3), 11B, 22(4), 42(6), 45(5A), 50(3), 56(3A), 58(2)(a), 58(2)(b), 58A(2), 58A(3), 81A(2), 81A(3), 92F, 122H, 122I, 123A(1), 123A(4), 123B(3), 147(2)</p> <p>Processing Powers under section 50(1)(b), 50(2), 58(2), 58A(1), 92B, 92C, 92G, 105A, 105B</p>	<p>Section 50(3): Limited to where all interests continue to exist.</p> <p>'Processing Powers': Power to execute instruments and letters to give effect to a decision of the Minister or his delegates.</p>

Column 1: Office	Column 2: Provisions of the Act and Regulations	Column 3: Extent of delegations
Level 6	<p>Section 22(4), 50(3), 58(2)(a), 147(2)</p> <p>Processing Powers under section 11B, 42(6), 45(5A), 50(1)(b), 50(2), 58(2), 58A(1), 58A(2), 58A(3), 81A(2), 81A(3), 92B, 92C, 92G, 105A, 105B, 122H, 122I, 123A(1), 123A(4), 123B(3)</p>	<p>Section 50(3): Limited to where all interests continue to exist.</p> <p>'Processing Powers': Power to execute instruments and letters to give effect to a decision of the Minister or his delegates.</p>
Level 5	<p>Section 50(3), 58(2)(a), 147(2)</p> <p>Processing Powers under section 11, 22(4), 42(6), 45(5A), 50(1)(b), 50(2), 58(2), 58A(1), 58A(2), 58A(3), 81A(2), 81A(3), 92G, 105A, 105B, 122H, 122I, 123A(1), 123A(4), 123B(3)</p>	<p>Section 50(3): Limited to where all interests continue to exist.</p> <p>'Processing Powers': Power to execute instruments and letters to give effect to a decision of the Minister or his delegates.</p>
Level 4	<p>Section 50(3)</p> <p>Processing Powers under section 11B, 22(4), 42(6), 45(5A), 50(1)(b), 50(2), 58(2), 58A(1), 58A(2), 58A(3), 81A(2), 81A(3), 105A, 105B, 122H, 122I, 123A(1), 123A(4), 123B(3), 147(2)</p>	<p>Section 50(3): Limited to where all interests continue to exist.</p> <p>'Processing Powers': Power to execute instruments and letters to give effect to a decision of the Minister or his delegates.</p>