

# NSW ICAC EXHIBIT

## Powers of the Registrar

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Dear Jack,

under s236 of the ALR Act, the Registrar can refer a person's alleged failure to comply with a Compliance Direction to the Land and Environment Court [LEC] "for determination".

Under s20(2) of the LEC Act:

(2) The Court has the same civil jurisdiction as the Supreme Court would, but for section 71, have to hear and dispose of the following proceedings:

- (a) to enforce any right, obligation or duty conferred or imposed by a **planning or environmental law** or a development contract,
- (b) to review, or command, the exercise of a function conferred or imposed by a **planning or environmental law** or a development contract,
- (c) to make declarations of right in relation to any such right, obligation or duty or the exercise of any such function,
- (d) whether or not as provided by section 68 of the Supreme Court Act 1970—to award damages for a breach of a development contract.

Subsection 20(3) of the LEC Act provides:

(3) For the purposes of subsection (2), a **planning or environmental law** is:

- (a) any of the following Acts or provisions:  
**Aboriginal Land Rights Act 1983** (other than Division 5 of Part 7 [*dealing with CLBPs*]),...

I expect that an alleged failure to comply with a Direction (especially one going to the disposition of LALC funds) would be treated seriously by the Court and that it would be amenable to granting injunctive relief and making other orders, in an appropriate case and on appropriate evidence, under s20(2) on the application of the Registrar of the ALR Act.

This is another issue which ought to be canvassed with Counsel on Thursday.

Happy to discuss these observations.

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