

26 October 2010

11-13 Mansfield Street
Glebe NSW 2037
PO Box 112, Glebe NSW 2037
P. 02 9562 6327 F. 02 9562 6350

2010 NSW Aboriginal Land Council Election – North Coast Region

Important Information for Candidates about Legal Proceedings

Dear Candidate

Before standing for election in the NSW Aboriginal Land Council election for the North Coast Region it is important that you are informed about legal proceedings that MAY have an impact on the election result.

An election for the North Coast Region is being held on 11 December 2010 because the New South Wales Court of Appeal has ordered that an election must be held.

The Court of Appeal's judgement, ordering an election was made on 26 August 2010. In response to the court's order, the NSW Electoral Commissioner gave notice that an election for the Councillor for the North Coast Region would be held on 11 December 2010.

However, after the Court of Appeal's judgement and order that an election be held the New South Wales Attorney General, who was a party to the case, lodged an appeal in the High Court of Australia on 24 September 2010.

The main issue in the appeal is whether or not an election should be held for the North Coast Region.

When an appeal is made to the High Court in these circumstances, the High Court must grant a party "special leave" to appeal before the case can be heard. This means the High Court first decides if it wishes to consider an appeal before hearing the appeal in full and deciding the case.

The date when the Attorney General will make his application for special leave to appeal to the High Court is not yet known, it will not be before 2011.

If the High Court grants the Attorney General special leave to appeal in this case, then a date will be set in the future for a full hearing of the appeal. If the High Court does not grant the special leave to appeal application, then that is the end of the legal proceedings and the North Coast Region election on 11 December 2010 will not be affected.

If special leave is granted, then the question of the legality and need for the North Coast Region election will be considered by the High Court. This may have an impact on the result of the election.

I must stress that the likelihood of the High Court deciding to grant the Attorney General's application for special leave to appeal is unknown and if the application is granted, when the High Court may hear the case is unknown (at today's date) and how the High Court may decide the case is also unknown.

There is much uncertainty about this matter however I feel obliged to alert you to the legal proceedings if you wish to be a candidate for election because they may affect your rights and interests in the future.

For further information please contact the Registrar of the ALRA on:

- (02) 9562 6327 or,
- (02) 9562 6305, or
- Stephen.wright@oralra.nsw.gov.au

Yours faithfully

A handwritten signature in blue ink, consisting of a large, stylized initial 'S' followed by a long horizontal line that ends in a small hook.

Stephen Wright
Registrar
Aboriginal Land Rights Act 1983