



Aboriginal Land Rights (Northern Territory) Regulations 2007

Select Legislative Instrument No. 184, 2007 as amended

made under the

Aboriginal Land Rights (Northern Territory) Act 1976

Compilation start date: 17 December 2013

Includes amendments up to: SLI No. 272, 2013

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About this compilation

This compilation

This is a compilation of the *Aboriginal Land Rights (Northern Territory) Regulations 2007* as in force on 17 December 2013. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 17 December 2013.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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1 Name of Regulations

These Regulations are the *Aboriginal Land Rights (Northern Territory) Regulations 2007*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Repeal

The Aboriginal Land Rights (Northern Territory) Regulations are repealed.

4 Definition

In these Regulations:

Act means the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Note: A number of expressions used in these Regulations are defined in the Act, including:

- Aboriginal
- Aboriginal land
- Director
- Land Trust
- township.

5 Township area vested in the Tiwi Aboriginal Land Trust (Act s 3AB(3))

- (1) For subsection 3AB(3) of the Act, the area of land mentioned in subregulation (2) is prescribed in relation to the Tiwi Aboriginal Land Trust.
- (2) The land is the parcel of land on Bathurst Island in the Northern Territory with an area of 454 hectares more or less, being Northern Territory Portion 6798(A), delineated on Survey Plan S2007/183 lodged with the Northern Territory Surveyor-General in Darwin.

5A Additional township areas vested in the Tiwi Aboriginal Land Trust (Act s 3AB(3))

For subsection 3AB(3) of the Act, the areas of land in the Northern Territory mentioned in the following table are prescribed as a single township in relation to the Tiwi Aboriginal Land Trust.

Item	Name by which area is known	Description of area (by reference to Survey Plan lodged with the Northern Territory Surveyor-General in Darwin)
1	Wurankuwu	The parcel of land on Bathurst Island with an area of 840 hectares, more or less, being Northern Territory Portion 7086(A), delineated on Survey Plan S2010/229
2	Milikapiti	The parcel of land on Melville Island with an area of 544.4 hectares, more or less, being Northern Territory Portion 7087(A), delineated on Survey Plan S2010/230

6 Township areas vested in the Anindilyakwa Land Trust (Act s 3AB(3))

For subsection 3AB(3) of the Act, the areas of land in the Northern Territory mentioned in the following table are prescribed as a single township in relation to the Anindilyakwa Land Trust.

Item	Name by which area is known	Description of area (by reference to Survey Plan lodged with the Northern Territory Surveyor-General in Darwin)
1	Angurugu	The parcel of land on Groote Eylandt with an area of 150 hectares, more or less, being Northern Territory Portion 7006(A), delineated on Survey Plan S2007/180
2	Umbakumba	The parcel of land on Groote Eylandt with an area of 314 hectares, more or less, being Northern Territory Portion 7008(A), delineated on Survey Plan S2007/181
3	Milyakburra	The parcel of land on Bickerton Island with an area of 510 hectares, more or less, being Northern Territory Portion 7007(A), delineated on Survey Plan S2007/207

6A Northern Territory laws not to apply to certain subdivisions of land (Act ss 19E and 20SB)

For sections 19E and 20SB of the Act, Part 5 of the *Planning Act* (NT) and subsection 52(10) of the *Land Title Act* (NT) do not apply to:

- (a) a plan of survey for the subdivision of land that:
 - (i) is limited to formalising land title arrangements for land on which buildings or physical infrastructure has been erected on or after the date of commencement of a lease to the Commonwealth mentioned in section 19E or 20SB of the Act; and
 - (ii) is lodged with the Surveyor-General for the Northern Territory within 3 years of the commencement date of the lease; and
- (b) a sublease by the Commonwealth of a parcel of land specified in the plan of survey, to a person or entity.

7 Application for delegation—prescribed information

For paragraph 28A(2)(c) of the Act, an application by an Aboriginal and Torres Strait Islander corporation for the delegation of functions or powers of a Land Council must include the following:

- (a) the names of the corporation's members;
- (b) evidence that the corporation satisfies the requirements of subsection 28A(1) of the Act;
- (c) why the corporation seeks the delegation;
- (d) why the corporation selected the part of the area of the Land Council (the *relevant area*) set out in the application;
- (e) a description of any consultation by the corporation with the following persons in relation to the delegation:
 - (i) traditional Aboriginal owners of land in the relevant area;
 - (ii) any other Aboriginal community or group that may be affected by the delegation;
- (f) a description of any conflict of interest arrangements the corporation has in place;

- (g) the qualifications and experience of:
 - (i) the corporation's officers (within the meaning of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*); and
 - (ii) the corporation's employees (within the meaning of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*);that are relevant to the delegation;
- (h) how the corporation proposes to make decisions in relation to the delegated functions or powers, including any proposed ongoing consultation of the persons mentioned in paragraph (e);
- (i) an estimation of the resources required to perform or exercise the delegated functions or powers;
- (j) the following breakdown of the resources mentioned in paragraph (i):
 - (i) resources the corporation has at its disposal;
 - (ii) resources the corporation proposes to obtain from the Land Council;
 - (iii) resources the corporation proposes to obtain from another source, and the name of that source.

Note: Examples of resources for paragraphs (i) and (j) are money, employees, premises and equipment.

8 Application for delegation—deemed refusal period

For subsection 28A(5) of the Act, the period is 3 months from the day the Land Council receives an application for the delegation of functions or powers.

8A Application to vary delegation—deemed refusal period

For subsection 28B(6) of the Act, the period is 3 months from the day the Land Council receives an application to vary a delegation of functions or powers.

9 Kind of payment that is an accountable amount (Act s 35(4A))

For paragraph 35(4A)(c) of the Act, the kinds of payments are:

- (a) a payment made:
 - (i) in respect of Aboriginal land; and
 - (ii) by the Director under a lease of the land to the Director; and
 - (iii) under a lease that was entered into in accordance with an agreement made under subsection 12(2B) or (2C) of the Act; and
- (b) an amount paid under subsection 62(1G) or (5) of the *Northern Territory National Emergency Response Act 2007* in relation to Aboriginal land.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

Modifications—Endnote 6

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnotes

Endnote 2—Abbreviation key

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ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration	Commencement	Application, saving and transitional provisions
2007 No. 184	29 June 2007 (<i>see</i> F2007L01935)	30 June 2007	
2007 No. 309	27 Sept 2007 (<i>see</i> F2007L03873)	28 Sept 2007	—
2007 No. 362	18 Dec 2007 (<i>see</i> F2007L04737)	19 Dec 2007	—
2008 No. 208	17 Oct 2008 (<i>see</i> F2008L03793)	18 Oct 2008	—
2008 No. 264	17 Dec 2008 (<i>see</i> F2008L04651)	18 Dec 2008	—
2011 No. 145	8 Aug 2011 (<i>see</i> F2011L01614)	9 Aug 2011	—
272, 2013	16 Dec 2013 (<i>see</i> F2013L02122)	17 Dec 2013	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Note to r. 4.....	am. 2007 No. 309
r. 5.....	am. 2007 No. 362
r. 5A.....	ad. 2011 No. 145
r. 6.....	ad. 2007 No. 309
Renumbered r. 9.....	2008 No. 208
r. 6.....	ad. 2008 No. 208
r. 6A.....	ad. 2008 No. 264
r 7.....	ad No 272, 2013
r 8.....	ad No 272, 2013
r 8A.....	ad No 272, 2013
r 9 (formerly r 6).....	rs. 2008 No. 264

Endnote 5—Uncommenced amendments [none]

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]