



Aboriginal Land Rights (Northern Territory) Regulations 2007

Select Legislative Instrument No. 184, 2007

made under the

Aboriginal Land Rights (Northern Territory) Act 1976

Compilation No. 8

Compilation date: 30 March 2017

Includes amendments up to: F2017L00333

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Aboriginal Land Rights (Northern Territory) Regulations 2007* that shows the text of the law as amended and in force on 30 March 2017 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

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

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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*.

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.

Note: The area is known as Wurrumiyanga.

- (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

6AA Township area vested in the Arnhem Land Aboriginal Land Trust (Act s 3AB(3))

- (1) For the purposes of subsection 3AB(3) of the Act, the area of land mentioned in subregulation (2) is prescribed in relation to the Arnhem Land Aboriginal Land Trust.

Note: The area is known as Gunyangara.

- (2) The land is the parcel of land in the Northern Territory with an area of 376.2 hectares, more or less, being Northern Territory Portion 7560(A), delineated on Survey Plan S2016/039 lodged with the Northern Territory Surveyor-General in Darwin.

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 Functions of the Executive Director (Act s 20C)

- (1) For the purposes of paragraph 20C(c) of the Act, the Executive Director has the functions prescribed by this regulation if:
 - (a) a Land Trust has granted, or is considering granting, a lease (the *main interest*) to a Commonwealth entity under section 19A of the Act; or
 - (b) the Executive Director has transferred, or is considering transferring, a sublease (the *main interest*) to an Aboriginal and Torres Strait Islander corporation under subsection 20CB(1) of the Act.
- (2) The Executive Director may, on behalf of the Commonwealth, enter into an agreement with the entity or corporation under which the Executive Director will provide to the entity or corporation services related to administering:
 - (a) the main interest; or
 - (b) a sublease or other right or interest derived from the main interest.
- (3) The Executive Director must provide the services in accordance with the agreement.
- (4) The agreement may provide for the payment of fees to the Commonwealth for the provision of the services by the Executive Director.
- (5) A fee provided for by the agreement must not be such as to amount to taxation.

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 information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key 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 (or will amend) the compiled law. The information includes commencement details for amending laws and details of any 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 (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration	Commencement	Application, saving and transitional provisions
184, 2007	29 June 2007 (F2007L01935)	30 June 2007 (r 2)	
309, 2007	27 Sept 2007 (F2007L03873)	28 Sept 2007 (r 2)	—
362, 2007	18 Dec 2007 (F2007L04737)	19 Dec 2007 (r 2)	—
208, 2008	17 Oct 2008 (F2008L03793)	18 Oct 2008 (r 2)	—
264, 2008	17 Dec 2008 (F2008L04651)	18 Dec 2008 (r 2)	—
145, 2011	8 Aug 2011 (F2011L01614)	9 Aug 2011 (r 2)	—
272, 2013	16 Dec 2013 (F2013L02122)	17 Dec 2013 (s 2) Note: disallowed by the Senate on 20 Mar 2014 at 12:20	—

Name	Registration	Commencement	Application, saving and transitional provisions
Aboriginal Land Rights (Northern Territory) Amendment (Leases) Regulations 2017	29 Mar 2017 (F2017L00333)	30 Mar 2017 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
r 2	rep LA s 48D
r 3	rep LA s 48C
r 4	am No 309, 2007
r 5	am No 362, 2007; F2017L00333
r 5A	ad No 145, 2011
r 6	ad No 309, 2007
	renum No 208, 2008
	ad No 208, 2008
r 6AA.....	ad F2017L00333
r 6A	ad No 264, 2008
r 7	ad No 272, 2013 (disallowed); F2017L00333
r 8	ad No 272, 2013 (disallowed)
r 8A	ad No 272, 2013 (disallowed)
r 9 (prev r 6)	rs No 264, 2008