



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. 11

Compilation date: 13 December 2022

Includes amendments up to: F2022L01095

Registered: 13 December 2022

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 13 December 2022 (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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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.

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) an approved entity holds, or may become the holder of, a lease (the *main interest*) 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.

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- (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

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 how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

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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

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 at 12.20 pm on 20 Mar 2014	—

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)	—
Aboriginal Land Rights (Northern Territory) Amendment (Township) Regulations 2017	20 June 2017 (F2017L00696)	21 June 2017 (s 2(1) item 1)	—
Aboriginal Land Rights (Northern Territory) Amendment (2022 Measures No. 1) Regulations 2022	19 Aug 2022 (F2022L01095)	Sch 2: 13 Dec 2022 (s 2(1) item 3) Remainder: 20 Aug 2022 (s 2(1) items 1, 2)	—

Endnotes

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 rep F2022L01095
r 5AA.....	ad F2017L00696 rep F2022L01095
r 5A	ad No 145, 2011 rep F2022L01095
r 6	ad No 309, 2007 renum No 208, 2008 ad No 208, 2008 am F2022L01095 rep F2022L01095
r 6AA.....	ad F2017L00333 rep F2022L01095
r 6A	ad No 264, 2008
r 7	ad No 272, 2013 (disallowed); F2017L00333 am F2022L01095
r 8	ad No 272, 2013 (disallowed)
r 8A	ad No 272, 2013 (disallowed)
r 9 (prev r 6)	rs No 264, 2008