

EXPLANATORY STATEMENT

Select Legislative Instrument 2007 No. 184

Issued by the authority of the Minister for Families, Community Services and
Indigenous Affairs

Aboriginal Land Rights (Northern Territory) Act 1976

Aboriginal Land Rights (Northern Territory) Regulations 2007

Section 78 of *Aboriginal Land Rights (Northern Territory) Act 1976* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 19A of the Act provides, in part, that a Land Trust may grant a lease of a township to an approved entity. Township is defined in section 3 of the Act as having the meaning given by section 3AB. Subsection 3AB(3) of the Act provides that the Regulations may prescribe an area of land in relation to a Land Trust as a township.

The purpose of the Regulations is to prescribe as a township an area of land in relation to the Tiwi Aboriginal Land Trust.

The Regulations will specify that Northern Territory Portion 6798 on Bathurst Island in the Northern Territory is prescribed as a township in relation to the Tiwi Aboriginal Land Trust.

The Regulations will enable the Tiwi Aboriginal Land Trust to grant a lease of the township under section 19A of the Act.

The Regulations will also repeal the Aboriginal Land Rights (Northern Territory) Regulations which prescribe qualifications pursuant subsections 37A (2) and 38(1) of the Act which were repealed by the *Audit (Transitional and Miscellaneous) Amendment Act 1997*.

Details of the Regulations are outlined in the Attachment.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.

No consultation was required in making these Regulations since the area of land prescribed has been the subject of lengthy negotiations between the Department of Families, Community Services and Indigenous and a negotiation team representing the Mantiyupwi land owners of the Nguui Township on Bathurst Island.

Details of Aboriginal Land Rights (Northern Territory) Regulations 2007

Regulation 1 identifies these regulations as the *Aboriginal Land Rights (Northern Territory) Regulations 2007*.

Regulation 2 provides that the Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.

Regulation 3 provides that the Regulations repeal the Aboriginal Land Rights (Northern Territory) Regulations.

Regulation 4 provides a definition of 'Act' for the purposes of the Regulations and notes that a number of expressions used in the Regulations are defined in the Act.

Regulation 5 prescribes an area of land in relation to the Tiwi Aboriginal Land Trust as a township for the purposes of subsection 3AB (3) of the Act. The area of land prescribed is Northern Territory Portion 6798 on Bathurst Island in the Northern Territory, delineated on Survey Plan S2007/183 lodged with the Northern Territory Surveyor-General in Darwin.