

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2008 No. 208**

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

*Aboriginal Land Rights (Northern Territory) Act 1976*

*Aboriginal Land Rights (Northern Territory) Amendment Regulations 2008 (No. 1)*

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 certain parcels of land on Groote Eylandt (Angurugu and Umbakumba) and Bickerton Island (Milyakburra) totalling approximately 974 hectares as a single township in relation to the Anindilyakwa Land Trust.

The Regulations will enable the Anindilyakwa Land Trust to lease the township under section 19A of the Act.

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 commenced on the day after they were registered on the Federal Register of Legislative Instruments.

The area of land prescribed has been the subject of lengthy negotiations between the Department of Families, Housing Community Services and Indigenous Affairs on behalf of the Australian Government and a negotiation team nominated by the Anindilyakwa Land Council. In addition, a lease pursuant to section 19A cannot be granted until the relevant Land Council has complied with the consultation requirement of section 19A(2) of the Act.

On 20 May 2008, the parties signed a letter of intent to execute a 40 year (with a 40 year option) township lease as part of a Regional Partnership Agreement (RPA). The RPA provides approximately \$25 million of benefits. Some elements, especially the new housing commitment, are dependent upon the grant of the township lease.

## **ATTACHMENT**

### **Details of the *Aboriginal Land Rights (Northern Territory) Amendment Regulations 2008 (No. 1)***

#### **Regulation 1 – Name of Regulations**

This regulation provides that the title of the Regulations is the *Aboriginal Land Rights (Northern Territory) Regulations 2008 (No. 1)*.

#### **Regulation 2 – Commencement**

This regulation provides for the Regulations to commence on the day after they are registered on the Federal Register of Legislative Instruments.

#### **Regulation 3 – Amendment of *Aboriginal Land Rights (Northern Territory) Regulations 2007***

This regulation provides that Schedule 1 amends the *Aboriginal Land Rights (Northern Territory) Regulations 2007* (the Principal Regulations).

#### **Schedule 1 – Item 1**

This item inserts a new regulation 6 into the Principal Regulations which prescribes 3 parcels of land as a township in relation to the Anindilyakwa Land Trust pursuant to subsection 3AB (3) of the Act. The three parcels prescribed in the table become, for the purposes of the Act, a single township in relation to the Anindilyakwa Land Trust.

#### **Schedule 1 – Item 2**

This item re-numbers existing regulation 6 of the Principal Regulations as a consequence of the insertion of a new regulation 6 by Item 1 above and to provide for anticipated future amendments to the Principal Regulations.