

EXPLANATORY STATEMENT

Select Legislative Instrument 2011 No. 145

Aboriginal Land Rights (Northern Territory) Act 1976

Aboriginal Land Rights (Northern Territory) Amendment Regulations 2011 (No. 1)

Section 78 of the *Aboriginal Land Rights (Northern Territory) Act 1976* (the Act) provides, in part, 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 3AB defines townships, in relation to a Land Trust, for the purposes of the Act. In particular, subsection 3AB(3) of the Act defines townships to include an area of land that is prescribed by the regulations, for the purposes of subsection 3AB(3), in relation to the applicable Land Trust only.

A township lease is being negotiated between the Commonwealth and the Tiwi Land Council on behalf of the relevant Land Trust, under section 19A of the Act. Subsection 19A(4) of the Act provides that the lease term can range from 40 to 99 years. It is proposed that the Executive Director of Township Leasing will enter into the lease on behalf of the Commonwealth and then administer the lease in accordance with the terms and conditions of that lease.

This amendment to the *Aboriginal Land Rights (Northern Territory) Regulations 2007* (the Principal Regulations) prescribes a single township encompassing Wurankuwu on Bathurst Island in the Northern Territory and Milikapiti on Melville Island in the Northern Territory, in relation to the Tiwi Aboriginal Land Trust.

Details of the regulations are provided in the **Attachment**.

The Act does not specify conditions that need to be satisfied before the power to make the regulations may be exercised.

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.

Consultations have been undertaken in relation to the township lease which will be facilitated by these regulations. In particular, the Tiwi Land Council has agreed in principle to the grant of a lease over the township. In accordance with subsection 19A(2) of the Act the Tiwi Land Council has consulted with the traditional Aboriginal owners and other Aboriginal people with an interest in the land.

Authority: Section 78 of the Aboriginal Land Rights (Northern Territory) Act 1976

ATTACHMENT

Details of the Aboriginal Land Rights (Northern Territory) Amendment Regulations 2011 (No. 1)

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Aboriginal Land Rights (Northern Territory) Amendment Regulations 2011 (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 Principal Regulations.

Schedule 1

This Schedule inserts new regulation 5A after existing regulation 5 to the Principal Regulations. The new regulation provides that two parcels of land are prescribed as a single township in relation to the Tiwi Aboriginal Land Trust.

These are:

- the area known as Wurankuwu, a parcel of land on Bathurst Island, that is 840 hectares (more or less) being Northern Territory Portion 7086(A), delineated on Survey Plan S2010/229; and
- the area known as Milikapiti, a parcel of land on Melville Island, that is 544.4 hectares (more or less) being Northern Territory Portion 7087(A), delineated on Survey Plan S2010/230.