

ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) ACT 1976

No. 191 of 1976

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ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) ACT 1976

No. 191 of 1976

An Act providing for the granting of Traditional Aboriginal Land in the Northern Territory for the benefit of Aboriginals, and for other purposes.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

PART I—PRELIMINARY

1. This Act may be cited as the *Aboriginal Land Rights (Northern Territory) Act 1976*.¹ Short title.
2. (1) This Act, other than section 70, shall come into operation on a date to be fixed by Proclamation. Commencement.
(2) Section 70 shall come into operation on a date to be fixed by Proclamation, being a date later than the date fixed for the purposes of sub-section (1).
3. (1) In this Act, unless the contrary intention appears— Interpretation.
“Aboriginal” means a person who is a member of the Aboriginal race of Australia;
“Aboriginal Council” has the same meaning as in the *Aboriginal Councils and Associations Act 1976*;
“Aboriginal land” means—
 - (a) land held by a Land Trust for an estate in fee simple; or
 - (b) land the subject of a deed of grant held in escrow by a Land Council;“Aboriginal tradition” means the body of traditions, observances, customs and beliefs of Aboriginals or of a community or group of Aboriginals, and includes those traditions, observances, customs and beliefs as applied in relation to particular persons, sites, areas of land, things or relationships;
“adult Aboriginal” means an Aboriginal who has attained the age of 18 years;
“alienated Crown land” means Crown land in which a person (other than the Crown) has an estate or interest, but does not include land in a town;

- “area”, in relation to a Land Council, means an area for which the Council is established under this Act;
- “Authority” means an authority established by or under a law of the Commonwealth or a law of the Northern Territory;
- “Commissioner” means the Aboriginal Land Commissioner established by this Act;
- “community purpose” means a purpose that is calculated to benefit primarily the members of a particular community or group;
- “Crown Land” means land in the Northern Territory that has not been alienated from the Crown by a grant of an estate in fee simple in the land, or land that has been so alienated but has been resumed by, or has reverted to or been acquired by, the Crown, but does not include—
- (a) land set apart for, or dedicated to, a public purpose under the *Lands Acquisition Act 1955* or under any other Act; or
 - (b) land the subject of a deed of grant held in escrow by a Land Council;
- “exploration licence” includes a prospecting authority and also a permit in respect of land under the *Petroleum (Prospecting and Mining) Ordinance 1954* of the Northern Territory, as amended from time to time;
- “Incorporated Aboriginal Association” means an Aboriginal association incorporated under the *Aboriginal Councils and Associations Act 1976*;
- “Judge” means a Judge of a court created by the Parliament;
- “Land Council” means an Aboriginal Land Council established by or under this Act;
- “Land Trust” means an Aboriginal Land Trust established under this Act;
- “law of the Northern Territory” means a law made under, or having effect in the Northern Territory by virtue of, the *Northern Territory (Administration) Act 1910*;
- “mineral royalties” means royalties payable to the Commonwealth in respect of the mining of minerals;
- “minerals” includes—
- (a) gold, silver, copper, tin and other metals;
 - (b) coal, shale, petroleum and valuable earths and substances;
 - (c) mineral substances;
 - (d) gems and precious stones; and
 - (e) ores and other substances containing minerals, whether suspended in water or not, and includes water;

- “miner’s right” means a miner’s right or other authority issued under a law of the Northern Territory relating to mining for minerals, being a right or authority that empowers the holder to take possession of, mine or occupy land, or take any other action in relation to land, for any purpose in connexion with mining;
- “mining interest” means any lease or other interest in land (including an exploration licence) granted under a law of the Northern Territory relating to mining for minerals;
- “mission” means a religious society or association the purposes of which are, or include, furthering the spiritual, cultural or economic welfare of Aboriginals, and includes a trustee or trustees empowered to hold land on behalf of such a society or association;
- “petroleum” means—
- (a) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state;
 - (b) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or
 - (c) any naturally occurring mixture of one or more hydrocarbons, whether in a gaseous, liquid or solid state, and one or more of the following, that is to say, hydrogen sulphide, nitrogen, helium and carbon dioxide;
- “sacred site” means a site that is sacred to Aboriginals or is otherwise of significance according to Aboriginal tradition, and includes any land that, under a law of the Northern Territory, is declared to be sacred to Aboriginals or of significance according to Aboriginal tradition;
- “town” has the same meaning as in the law of the Northern Territory relating to the planning and developing of towns and the use of land in or near towns, and includes any area that, by virtue of regulations in force under that law, is to be treated as a town;
- “traditional Aboriginal owners”, in relation to land, means a local descent group of Aboriginals who—
- (a) have common spiritual affiliations to a site on the land, being affiliations that place the group under a primary spiritual responsibility for that site and for the land; and
 - (b) are entitled by Aboriginal tradition to forage as of right over that land;
- “traditional land claim”, in relation to land, means a claim by or on behalf of the traditional Aboriginal owners of the land arising out of their traditional ownership;
- “Trust Account” means the Aboriginals Benefit Trust Account established by section 62;

“unalienated Crown land” means Crown land in which no person (other than the Crown) has an estate or interest, but does not include land in a town.

(2) Unless the contrary intention appears, a reference in this Act to an estate or interest in land includes a reference to an interest by way of a right against the Crown to a grant of an estate or interest in land, but does not include a reference to—

- (a) a mining interest;
- (b) an interest arising out of the operation of the *Atomic Energy Act* 1953 or any other Act authorizing mining for minerals;
- (c) an interest arising out of the taking possession, mining or occupation of land by virtue of a miner’s right; or
- (d) an interest by way of the occupation or use, with the licence or permission of the Crown, of land by an Authority or a mission.

(3) A reference in this Act to an Act authorizing mining for minerals shall be read as a reference to such an Act whether passed before or after the commencement of this section.

(4) A reference in this Act to the granting of a mining interest in respect of Aboriginal land shall be read as not including a reference to the renewal, in accordance with an option or other right conferred before the land became Aboriginal land, of a mining interest that was in existence when the land became Aboriginal land.

(5) A description of land in Schedule 1 shall be deemed not to include any land on which there is, at the commencement of this section, a road over which the public has a right of way.

PART II—GRANTS OF LAND TO ABORIGINAL LAND TRUSTS

Land Trusts.

4. (1) The Minister may, by notice published in the *Gazette*, establish Aboriginal Land Trusts to hold title to land in the Northern Territory for the benefit of groups of Aboriginals entitled by Aboriginal tradition to the use or occupation of the land concerned, whether or not the traditional entitlement is qualified as to place, time, circumstance, purpose or permission, and shall so establish Land Trusts to hold the Crown land described in Schedule 1.

(2) A notice published under sub-section (1) shall—

- (a) specify the name of the Land Trust;
- (b) identify the Aboriginal groups for whose benefit land is to be held by the Land Trust; and
- (c) set out the boundaries of the land to be held by the Land Trust.

(3) A Land Trust—

- (a) is a body corporate, with perpetual succession;

- (b) shall have a common seal;
- (c) subject to this Part, may acquire, hold and dispose of real and personal property; and
- (d) may sue and be sued in its corporate name.

(4) The common seal of a Land Trust shall be kept by a member of the staff of the Land Council in the area of which the Land Trust holds land who has been authorized by the Land Council for the purpose.

(5) The common seal of a Land Trust shall be affixed to a document only with a written authority signed by the Chairman and at least 2 other members of the Land Trust.

(6) All courts, judges and persons acting judicially shall take notice of the common seal of a Land Trust affixed to a document and shall presume that it was duly affixed.

5. (1) The functions of a Land Trust are—

- (a) to hold title to land vested in it in accordance with this Act;
- (b) to exercise its powers as owner of land referred to in paragraph (a) for the benefit of the Aboriginal groups concerned; and
- (c) where the Land Trust is named as the grantee of land in a deed of grant held in escrow by a Land Council—to acquire, as and when practicable, the estates and interests of other persons in the land with a view to the surrender to the Crown of those estates and interests and the delivery to the Land Trust of the deed of grant held by the Land Council.

Functions of
Land Trusts.

(2) A Land Trust—

- (a) shall not exercise its functions in relation to land held by it except in accordance with a direction given to it by the Land Council for the area in which the land is situated; and
- (b) where such a direction is given to it—shall take action in accordance with that direction.

6. A Land Trust is not empowered to accept moneys due and owing to it or to give a valid discharge for such moneys, but such moneys may be paid to the Land Council for the area in which the Land Trust holds, or is established to hold, land.

Land Trust
not
empowered
to accept
moneys.

7. (1) A Land Trust shall consist of a Chairman and such other members not less than 3 in number as the Minister appoints.

Membership
of Land
Trust.

(2) The members of a Land Trust shall be appointed by the Minister on a nomination received by him under sub-section (3).

(3) For the purposes of sub-section (2), the Minister may request a nomination of a person from—

- (a) the Land Council for the area in which the Land Trust is to hold land; or

(b) where the Land Trust is to hold land in the area of an Aboriginal Council—that Aboriginal Council.

(4) A member of a Land Trust shall be appointed as a part-time member.

(5) The exercise or performance of a power or function by a Land Trust is not affected by reason only of there being a vacancy in the office of a member of the Land Trust.

(6) All members of a Land Trust shall be Aboriginals living in the area of the Land Council in the area of which the land of the Land Trust is situated or whose names are set out in the register maintained by that Land Council in accordance with section 24.

(7) Subject to this Act, a member of a Land Trust holds office for such period, not exceeding 3 years, as is specified in the instrument of his appointment and on such terms and conditions as the Minister determines, but is eligible for re-appointment.

(8) Where a member of a Land Trust is, or is about to be, unable, whether on account of illness or otherwise, to perform the duties of his office, the Minister may appoint an Aboriginal to act in the place of that member during the period during which that member is unable to perform the duties of his office.

(9) A person appointed to act in the place of a member of a Land Trust has all the functions, powers and duties of that member.

Termination
of
appointment
of members
of Land
Trusts.

8. Where the Land Council for the area in which a Land Trust holds, or is established to hold, land requests the Minister, in writing, to remove a member of the Land Trust on the ground that he has, in the opinion of the Land Council, failed properly to perform the duties of his office, the Minister shall, if he is satisfied that the request is reasonable, terminate the appointment of the member.

Resignation
of member
of Land
Trust.

9. A member of a Land Trust may resign his office by writing under his hand delivered to the Minister, but the resignation does not have effect until it is accepted by the Minister.

Recommendations for grants of Crown land described in Schedule 1.

10. (1) Where—

(a) a Land Trust has been established in respect of an area of land described in Schedule 1; and

(b) sub-section (2) does not apply in relation to that land or applies in relation to a part only of that land,

the Minister shall recommend to the Governor-General that a grant of an estate of fee simple in that land, or in the part of that land to which sub-section (2) does not apply, be made to that Land Trust.

(2) Where—

- (a) a Land Trust has been established in respect of an area of land described in Schedule 1; and
- (b) a person (other than the Crown) has an estate or interest in the whole or a part of that land,

the Minister shall recommend to the Governor-General that the Governor-General execute a deed of grant of an estate in fee simple in that land, or that part of that land, to that Land Trust and deliver it to the Land Council for the area in which that land, or that part of that land, is situated to be held in escrow until all of the estates and interests in that land, or that part of that land, held by a person (other than the Crown) have come to an end, whether by surrender to the Crown or otherwise, and then to be delivered by the Land Council to that Land Trust.

(3) For the purposes of this section, a lease of land granted under a law of the Northern Territory relating to mining for minerals shall be deemed to be an estate or interest in that land if the lease was granted before the date of commencement of this section or in pursuance of an agreement entered into by the Commonwealth before that date.

11. (1) Where—

- (a) the Commissioner recommends to the Minister in a report made to him under paragraph 50 (1) (a) that an area of Crown land should be granted to a Land Trust for the benefit of a group or groups of Aboriginals entitled by Aboriginal tradition to the use or occupation of that area of land, whether or not the traditional entitlement is qualified as to place, time, circumstance, purpose or permission; and

Recommendations for grants of Crown land, other than that described in Schedule 1.

(b) the Minister is satisfied that the land should be so granted, the Minister shall—

- (c) establish a Land Trust under section 4 to hold that land for the benefit of that group or those groups of Aboriginals;
- (d) in the case of alienated Crown land, ensure that the estates and interests in that land of persons (other than the Crown) are acquired by the Crown by surrender or otherwise; and
- (e) after any acquisition referred to in paragraph (d) has been effected, recommend to the Governor-General that a grant of an estate in fee simple in that land be made to that Land Trust.

(2) If the Commission appointed by instrument published in the *Gazette* on 16 July 1975 under section 11 of the *Environment Protection (Impact of Proposals) Act 1974* to conduct an inquiry in relation to the proposal for the development of uranium deposits in the Northern Territory has, for the purposes of its inquiry, made a finding that a group or groups of Aboriginals are entitled by Aboriginal tradition to the use or occupation of an area of land, this section has effect as if the Commissioner had recommended to the Minister in a report made by him

under paragraph 50 (1) (a) that the area should be granted to a Land Trust for the benefit of that group or those groups of Aboriginals.

(3) A reference in sub-section (1) to land shall be read as not including a reference to any land on which there is a road over which the public has a right of way.

Grants of
land to Land
Trusts.

12. (1) Subject to this section, on the receipt of a recommendation under section 10 or 11 with respect to land, the Governor-General may—

(a) in the case of a recommendation under sub-section 10 (1) or section 11—execute a deed of grant of an estate in the land in accordance with the recommendation and deliver it to the grantee; or

(b) in the case of a recommendation under sub-section 10 (2)—execute a deed of grant of an estate in the land in accordance with the recommendation and deliver it to the Land Council referred to in the recommendation on the condition that it be held by the Land Council in escrow, and subsequently delivered to the grantee, in accordance with the recommendation.

(2) A deed of grant under this section shall be expressed to be subject to the reservation that the right to all minerals existing in their natural condition, or in a deposit of waste material obtained from any underground or surface working, on or below the surface of the land remains with the Crown.

(3) A deed of grant under this section—

(a) shall identify any land on which there is, at the time of the grant, a road over which the public has a right of way; and

(b) shall be expressed to exclude such land from the grant.

(4) A deed of grant under this section takes effect—

(a) where a deed is delivered by the Governor-General to the grantee—on the date on which it is so delivered; or

(b) in any other case—on the date on which it is delivered by a Land Council to the grantee in accordance with the condition subject to which it was delivered to the Land Council by the Governor-General.

(5) On the application of a Land Trust to which has been delivered a deed of grant of an estate in land executed by the Governor-General under this section, whether the delivery was by the Governor-General or by a Land Council, the Registrar-General or other appropriate officer under the law of the Northern Territory relating to the transfer of land shall register and otherwise deal with that deed of grant under that law according to its tenor.

(6) In this section, a reference to a delivery of a deed by a person shall be read as including a reference to a delivery of the deed by the duly authorized agent of the person.

13. (1) Subject to sub-section (2), no grant of an estate or interest in land the subject of a deed of grant held in escrow by a Land Council shall be made by the Crown to any person.

Grants of interests in land the subject of a deed in escrow.

(2) Sub-section (1) does not prevent the grant by the Crown of an estate or interest in land referred to in that sub-section in any of the following circumstances:—

- (a) where the grant is made in consequence of the exercise by a person of a right, under a law of the Northern Territory, to require the grant to be made;
- (b) where—
 - (i) the grant is made in consequence of an application by a person having a right, under a law of the Northern Territory, to make that application for a renewal of his estate or interest in the land for a further period or a conversion of his estate or interest in the land into another estate or interest;
 - (ii) a copy of the application is served on the Land Council for the area in which the land is situated; and
 - (iii) an arbitrator appointed by the Minister is satisfied, after hearing both the views of the applicant and the views of the Land Council on the matter, that the hardship that would be occasioned to the applicant by a refusal of his application would be greater than the hardship that would be occasioned to the Aboriginal communities or groups interested in the land by an approval of the application;
- (c) where the Land Council for the area in which the land is situated consents to the grant.

(3) A reference in paragraph (2) (a) or in sub-paragraph (2) (b) (i) to a right of a person shall be read as a reference to a right that was vested in the person immediately before the land became Aboriginal land.

14. (1) Where, on the vesting in a Land Trust of an estate in fee simple in land, the land is being occupied or used by the Crown or, with the licence or permission of the Crown, by an Authority, the Crown or the Authority is entitled to continue that occupation or use for such period as the land is required by the Crown or the Authority.

Occupation, &c., by the Crown, &c., of Aboriginal land vested in Land Trust.

(2) During the period for which, by virtue of sub-section (1), the Crown or an Authority is entitled to the occupation or use of land, any buildings and improvements on that land shall be deemed to be the property of the Crown or the Authority.

(3) Nothing in this section prevents the granting by a Land Trust of a lease of land referred to in sub-section (1) to the Commonwealth or an Authority and, if such a lease is granted, the land ceases to be land to which this section applies.

(4) This section does not apply in relation to an occupation or use of land that is authorized by the *Atomic Energy Act 1953* or any other Act authorizing mining for minerals and this section does not prejudice the operation of the *Atomic Energy Act 1953* or that other Act, as the case may be.

Payments to Land Council in respect of occupation of land by the Crown, &c.

15. (1) Where an occupation or use of Aboriginal land to which section 14 applies is for a purpose that is not a community purpose, the Crown shall pay to the Land Council for the area in which the land is situated amounts in the nature of rent for that occupation or use at such rate as is fixed by the Minister having regard to the economic value of the land.

(2) For the purposes of sub-section (1)—

- (a) an occupation or use of land by the Crown for forestry purposes shall be deemed to be an occupation or use for a purpose that is not a community purpose; and
- (b) the economic value of land shall not include the value of any royalties that are, or may be, payable in connexion with forestry operations on the land.

Payments to Land Council by the Crown in respect of interests in Aboriginal land.

16. The Crown shall pay to a Land Council amounts equal to the amounts of rents and other prescribed payments paid to the Crown in respect of an interest (including a mining interest) granted by the Crown (whether before or after the commencement of this Act) in Aboriginal land in the area of the Land Council, not being payments in the nature of royalties in respect of a mining interest.

Appropriation of payments to Land Council.

17. The amount of any payment by the Crown to a Land Council under section 15 or 16 shall be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

Occupation or use of Aboriginal land by mission.

18. (1) Where, on the vesting of an estate in fee simple in land in a Land Trust, the land is being occupied or used by a mission with the licence or permission of the Crown, the mission is entitled to continue that occupation or use in accordance with this section.

(2) The Land Council for the area in which land referred to in sub-section (1) is situated may serve notice on the mission that it wishes to terminate the occupation or use of the land by the mission on a date specified in the notice, being a date not earlier than 12 months after the date on which the notice is served.

(3) Where a notice is served on a mission in accordance with sub-section (2), the mission ceases, on the date of termination specified in the notice, to be entitled to occupy or use the land.

(4) Where—

- (a) a mission ceases, by virtue of a notice served on it under sub-section (2), to be entitled to occupy or use land; and
- (b) there are on the land buildings or other improvements that were erected, wholly or partially, by or at the expense of the mission before the service of that notice,

the Land Council shall pay to the mission an amount equal to—

- (c) where the buildings or other improvements referred to in paragraph (b) were erected wholly by or at the expense of the mission—the value, as agreed by the Land Council and the mission, or, in the absence of such agreement, as determined by the Minister, of those buildings or other improvements when the mission ceased to be entitled to occupy or use the land; or
- (d) in any other case—such part of the value referred to in paragraph (c) as is attributable to the action of the mission.

(5) Nothing in this section prevents the granting by the Land Trust of a lease of land referred to in sub-section (1) to a mission and, if such a lease is granted, the land ceases to be land to which this section applies.

19. (1) Except as provided by this section or section 20, a Land Trust shall not deal with or dispose of, or agree to deal with or dispose of, any estate or interest in land vested in it.

Dealings,
&c., with
interests in
land by
Land Trusts.

(2) At the direction, in writing, of the relevant Land Council, a Land Trust may, subject to sub-section (7), grant a lease or licence in respect of land vested in it to an Aboriginal, an Aboriginal Council or an Incorporated Aboriginal Association—

- (a) for use for residential purposes by—
 - (i) the Aboriginal and his family; or
 - (ii) an employee of the Aboriginal or the Council or Association, as the case may be;
- (b) for use in the conduct of a business by the Aboriginal, the Council or Association, not being a business in which a person who is not an Aboriginal has an interest that entitles him to a share in, or to a payment that varies in accordance with, the profits of the business; or
- (c) for any community purpose of the Aboriginal community or group for whose benefit the Land Trust holds the land.

(3) At the direction, in writing, of the relevant Land Council, a Land Trust may, subject to sub-section (7), grant a lease or licence in respect of land vested in it to the Commonwealth or an Authority for any public purpose or to a mission for any mission purpose.

(4) With the consent, in writing, of the Minister and at the direction, in writing, of the relevant Land Council, a Land Trust may—

- (a) grant a lease or licence in respect of the whole, or any part of, the land vested in it to any person for any purpose; and
- (b) transfer to another Land Trust, or surrender to the Crown, the whole of its estate or interest in the whole, or any part of, the land vested in it.

(5) A Land Council shall not give a direction under this section for the grant, transfer or surrender of an estate or interest in land unless the Land Council is satisfied that—

- (a) the traditional Aboriginal owners (if any) of that land understand the nature and purpose of the proposed grant, transfer or surrender and, as a group, consent to it;
- (b) any Aboriginal community or group that may be affected by the proposed grant, transfer or surrender has been consulted and has had adequate opportunity to express its view to the Land Council; and
- (c) in the case of a proposed grant of a lease or licence—the terms and conditions of that lease or licence are reasonable.

(6) Where a Land Council, in giving a direction for a proposed grant, transfer or surrender of an estate or interest in land, fails to comply with sub-section (5), that failure does not invalidate that grant, transfer or surrender unless the person to whom the grant, transfer or surrender was made procured the direction of the Land Council by fraud.

(7) Except with the consent, in writing, of the Minister—

- (a) the term of a lease or licence granted under sub-section (2) for a purpose referred to in paragraph (2) (b) or (c) shall not exceed 10 years; and
- (b) the term of a lease or licence granted under sub-section (3) shall not exceed 5 years.

(8) The grantee of a lease or licence under this section is not empowered to transfer his interest as such grantee to another person, or to grant to another person an interest dependent upon his interest as such grantee, except with the consent, in writing, of the relevant Land Council and, if the consent of the Minister was required to the grant of that lease or licence to the grantee, the consent, in writing, of the Minister.

(9) Where a grant of a lease or licence is invalidated, by virtue of sub-section (6), on account of fraud, that invalidity does not affect the rights of a person who has, for value and without notice of the fraud, accepted the transfer of that lease or licence or been granted an interest dependent upon that lease or licence.

(10) In this section, “relevant Land Council”, in relation to land, means the Land Council for the area in which the land is situated.

20. (1) Where an agreement entered into by the Commonwealth before the commencement of this section gives a person an entitlement, in certain circumstances, to the grant of a lease under the *Special Purposes Leases Ordinance* 1953 of the Northern Territory, as amended from time to time, of land in Schedule 1, that agreement shall be taken to provide that, after the vesting in a Land Trust of an estate in fee simple in the land, the lease to which the person is to become so entitled in those circumstances shall be a lease granted by that Land Trust in accordance with this section, being a lease under which that person and the Land Trust have rights and obligations that are as near as practicable the same as the rights and obligations that would have been applicable to that person and the Crown, respectively, under a lease from the Crown granted in accordance with the agreement.

Leases in compliance with obligations of the Commonwealth.

(2) Where a person who, by virtue of sub-section (1), has become entitled to the grant of a lease of land by a Land Trust has informed the Land Council for the area in which the land is situated that he requires the lease, the Land Council shall—

- (a) negotiate with him with respect to the terms and conditions of the lease; and
- (b) if agreement is reached on terms and conditions, direct the Land Trust to grant the lease on those terms and conditions,

and the Land Trust shall comply with that direction.

(3) Where the Minister is satisfied that—

- (a) a Land Council has refused, or is unwilling, to negotiate with respect to the terms and conditions of a lease to which a person has become entitled by virtue of sub-section (1); or
- (b) the Land Council and that person cannot agree on the terms and conditions of the lease,

the Minister may, after consultation with the Land Council and with the person, appoint an Arbitrator, being a person whom the Minister considers to be in a position to deal with the matter impartially, to determine terms and conditions of the lease that, in the opinion of the Arbitrator, should be acceptable to the Land Council and to the person.

(4) Where the Arbitrator has determined terms and conditions of a lease under sub-section (3) and the person entitled to the lease is willing to enter into that lease on those terms and conditions, the Land Council shall direct the Land Trust in which the land is vested to grant the lease on those terms and conditions.

(5) Where the Minister is satisfied that a Land Council has refused, or is unwilling, to give a direction in compliance with sub-section (2) or (4) or a Land Trust has refused, or is unwilling, to comply with such a direction, the Minister may, in the name of, and on behalf of, the Land

Trust, grant a lease in accordance with the direction that should have been, or has been, given.

PART III—ABORIGINAL LAND COUNCILS

Establish-
ment of
Land
Councils.

21. (1) The Minister shall, on the commencement of this section, by notice published in the *Gazette*, divide the Northern Territory into at least 2 areas and establish an Aboriginal Land Council for each area.

(2) A notice published under sub-section (1) shall, in respect of each Aboriginal Land Council, set out—

- (a) the name of the Council; and
- (b) the boundaries of the area for which the Council is established.

(3) Where the Minister is satisfied that—

- (a) a substantial majority of adult Aboriginals living in an area that—
 - (i) is wholly included in the area of a Land Council; or
 - (ii) is partly included in the area of one Land Council and partly included in the area of another Land Council or in the areas of other Land Councils,

is in favour of the setting up of a new Land Council for that first-mentioned area only; and

- (b) that first-mentioned area is an appropriate area for the operation of a new Land Council,

the Minister may, by notice published in the *Gazette*, establish an Aboriginal Land Council for that first-mentioned area.

(4) A notice published under sub-section (3) shall—

- (a) specify the name of the new Land Council; and
- (b) set out the boundaries of the area for which the new Land Council is established.

(5) On the publication of a notice under sub-section (3), the area specified in the notice ceases by force of this sub-section to be part of the area of the Land Council, or of the areas of the Land Councils, in which it was included immediately before that publication.

(6) On the establishment of a Land Council under this section, the Minister shall take whatever steps he considers necessary and practicable to inform the adult Aboriginals living in the area of the Land Council of the existence of the Land Council.

22. (1) A Land Council—

- (a) is a body corporate, with perpetual succession;
- (b) shall have a common seal;
- (c) may acquire, hold and dispose of real and personal property; and
- (d) may sue and be sued in its corporate name.

Land
Council
to be body
corporate,
&c.

(2) All courts, judges and persons acting judicially shall take notice of the common seal of a Land Council affixed to a document and shall presume that it was duly affixed.

23. (1) The functions of a Land Council are—

- (a) to ascertain and express the wishes and the opinion of Aboriginals living in the area of the Land Council as to the management of Aboriginal land in that area and as to appropriate legislation concerning that land;
- (b) to protect the interests of traditional Aboriginal owners of, and other Aboriginals interested in, Aboriginal land in the area of the Land Council;
- (c) to consult with traditional Aboriginal owners of, and other Aboriginals interested in, Aboriginal land in the area of the Land Council with respect to any proposal relating to the use of that land;
- (d) where the Land Council holds in escrow a deed of grant of land made to a Land Trust under section 12—
 - (i) to negotiate with persons having estates or interests in that land with a view to the acquisition of those estates or interests by the Land Trust; and
 - (ii) until those estates or interests have been so acquired, to negotiate with those persons with a view to the use by Aboriginals of the land in such manner as may be agreed between the Land Council and those persons;
- (e) to negotiate, on behalf of traditional Aboriginal owners of land in its area held by a Land Trust and any other Aboriginals interested in the land, with persons desiring to use, occupy or obtain an interest in that land;
- (f) to assist Aboriginals claiming to have a traditional land claim to an area of land within the area of the Land Council in pursuing the claim, in particular, by arranging for legal assistance for them at the expense of the Land Council;
- (g) to compile and keep—
 - (i) a register recording the names of the members of the Land Council; and
 - (ii) a register recording the names of the members of the Land Trusts holding, or established to hold, Aboriginal

Functions
of Land
Council.

land in its area and descriptions of each area of such Aboriginal land; and

- (h) to supervise, and provide administrative assistance for, Land Trusts holding, or established to hold, Aboriginal land in its area.

(2) A Land Council may, with the approval of the Minister, perform any functions that may be conferred on it by a law of the Northern Territory, including, without limiting the foregoing, functions in relation to—

- (a) the protection of sacred sites;
 (b) access to Aboriginal land; and
 (c) schemes for the management of wildlife on Aboriginal land.

(3) In carrying out its functions with respect to any Aboriginal land in its area, a Land Council shall have regard to the interests of, and shall consult with, the traditional Aboriginal owners (if any) of the land and any other Aboriginals interested in the land and, in particular, shall not take any action, including, but not limited to, the giving of consent or the withholding of consent, in any matter in connexion with land held by a Land Trust, unless the Land Council is satisfied that—

- (a) the traditional Aboriginal owners (if any) of that land understand the nature and purpose of the proposed action and, as a group, consent to it; and
 (b) any Aboriginal community or group that may be affected by the proposed action has been consulted and has had adequate opportunity to express its view to the Land Council.

Register of traditional Aboriginal owners of Aboriginal land.

24. A Land Council shall compile, and maintain, a register setting out—

- (a) the names of the persons who, in the opinion of the Council, are the traditional Aboriginal owners of Aboriginal land in the area of the Land Council; and
 (b) in relation to each group of traditional Aboriginal owners, a map or other references showing the sites belonging to them in so far as such can be done without breach of Aboriginal usage.

Duty of Land Council to attempt conciliation of disputes

25. (1) This section applies to—

- (a) Aboriginals;
 (b) Land Trusts;
 (c) Aboriginal Councils; and
 (d) Incorporated Aboriginal Associations and any other incorporated Aboriginal groups.

(2) Where a Land Council is informed that there is, or there may arise, a dispute with respect to land in the area of the Council between persons to whom this section applies, the Land Council shall use its best endeavours by way of conciliation for the settlement or prevention, as the case may be, of that dispute.

(3) Where proceedings are commenced before a court with respect to a dispute of a kind referred to in sub-section (2), the judge or magistrate constituting the court may, if he thinks it appropriate, adjourn the proceedings at any time for the purpose of affording a Land Council the opportunity of undertaking conciliation with a view to the settlement of that dispute.

26. A Land Council shall pay or discharge any expenses, charges or obligations incurred or undertaken by a Land Trust that holds, or is established to hold, land in its area.

Land Council to meet expenses, &c., of Land Trust.

27. (1) Subject to this Act, a Land Council may do all things necessary or convenient to be done for or in connexion with the performance of its functions and, without limiting the generality of the foregoing, may—

Powers of Land Council.

- (a) employ staff;
- (b) obtain the advice and assistance of persons who are expert in any matter with which the Council is concerned;
- (c) give lawful directions to Land Trusts holding land in its area concerning the performance of their functions; and
- (d) receive moneys due and owing to Land Trusts holding, or established to hold, land in its area and give a valid discharge for those moneys.

(2) The terms and conditions under which a Land Council employs staff or engages consultants to advise and assist it shall be terms and conditions approved by the Public Service Board.

(3) A Land Council shall not, without the approval of the Minister, enter into, or permit a Land Trust holding land in its area to enter into, a contract involving the payment or receipt of an amount exceeding \$50,000.

28. (1) A Land Council may, either generally or as otherwise provided by the instrument of delegation, by writing under its common seal, delegate to the Chairman or other member of the Council or to a member of the staff of the Council any of its powers under this Act, other than—

Delegation by Land Council.

- (a) its power to give or withhold consent in relation to the acquisition or the grant of an interest in Aboriginal land;
- (b) its power to make determinations under section 35;
- (c) its power to give a consent under section 40 or section 41; or
- (d) this power of delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Council.

(3) A delegation under this section does not prevent the exercise of a power by the Council.

Membership
of Land
Council.

29. (1) The members of a Land Council shall be **Aboriginals living in the area of the Land Council, or whose names are set out in the register maintained by the Land Council in accordance with section 24, chosen by Aboriginals living in the area of the Land Council in accordance with such method or methods of choice, and holding office on such terms and conditions, as is, or are, approved by the Minister from time to time.**

(2) A Land Council may, with the approval of the Minister, co-opt **Aboriginals living in the area of the Land Council as additional members, but not more than 5 such members may hold office at any one time.**

Chairman
and Deputy
Chairman
of Land
Council.

30. (1) The Minister shall, as soon as practicable after the establishment of a Land Council, or at any time when the office of Chairman of a Land Council is vacant, convene a meeting of that Council for the purpose of electing a member of that Council as the Chairman of that Council.

(2) The Minister shall appoint one of the members of the Council to preside at a meeting referred to in sub-section (1).

(3) When a Chairman is elected at a meeting referred to in sub-section (1), the Chairman shall preside at that meeting in place of the person appointed by the Minister under sub-section (2).

(4) A Land Council shall, as soon as practicable after its establishment, elect a member of that Council as the Deputy Chairman of that Council and shall, thereafter, whenever the position of Deputy Chairman is vacant, elect a new Deputy Chairman.

(5) Subject to sub-section (6), a person elected as the Chairman or the Deputy Chairman of a Land Council under this section holds office for a period of 3 years, and is eligible for re-election.

(6) A Land Council may, at any time, by resolution, elect a new Chairman or Deputy Chairman and, on the passing of such a resolution, the person who held that office immediately before that resolution was passed ceases to hold that office.

(7) A co-opted member of a Land Council is not eligible to be elected as the Chairman or the Deputy Chairman of the Land Council.

Meetings of
Land
Council.

31. (1) The Chairman shall convene such meetings of a Land Council as are, in his opinion, necessary for the efficient conduct of its affairs and, at such a meeting, the Chairman shall preside if he is present and, if he is not present, the Deputy Chairman shall preside.

(2) At the request of at least 6 members of a Land Council, the Deputy Chairman may convene a meeting of the Land Council and, if he does so, shall preside at that meeting.

(3) The Minister may, where he considers that the circumstances require it, convene a meeting of the Land Council and appoint a member of the Land Council to preside at the meeting.

(4) The quorum for a meeting of a Land Council is such number of members as is equal to—

- (a) where the number of members of the Land Council at the time of the meeting is an even number—one-half of that last-mentioned number; or
- (b) any other case—one-half of the number that is less by 1 than the number of members of the Land Council at the time of the meeting.

and, except where the meeting has been convened under sub-section (3), includes the Chairman or the Deputy Chairman.

(5) A question arising at a meeting of a Land Council shall be decided by a majority of the votes of members present and voting.

(6) At a meeting of a Land Council the member presiding has a deliberative vote and, in the event of votes being equal, has a casting vote.

(7) A Land Council may, with the approval of the Minister, make rules, not inconsistent with this Act, providing for and in relation to the convening of meetings, and the procedure for the conduct of meetings, of the Council.

(8) Rules made under sub-section (7) are not Statutory Rules for the purposes of the *Rules Publication Act 1903*.

(9) Subject to any direction of the member presiding, a member of a Land Council may be accompanied to a meeting of the Land Council by such other residents of the area of the Land Council as may wish so to accompany him.

32. (1) A Land Council may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account. Bank accounts.

(2) A Land Council shall pay all moneys received by it into an account maintained under this section.

(3) In this section, “approved bank” means the Reserve Bank or any other bank approved by the Treasurer for the purpose.

Borrowing
by Land
Council.

33. With the approval of the Treasurer, a Land Council may, in any one financial year, borrow from a bank approved by the Treasurer for the purpose an amount not exceeding, or amounts not exceeding in the aggregate, an amount equal to 10 per centum of the total of the estimates of expenditure approved by the Minister under section 34 in respect of that year.

Estimates of
expenditure
by Land
Council.

34. (1) A Land Council shall prepare estimates, in such form as the Minister directs, of its expenditure to meet its administrative costs for each financial year and, if the Minister so directs, for any other period and the Land Council shall submit those estimates to the Minister for his approval not later than such date as the Minister directs.

(2) Subject to sub-section (3), moneys of the Land Council shall not be expended to meet its administrative costs otherwise than in accordance with estimates of expenditure approved by the Minister.

(3) The amount of the expenditure by a Land Council in relation to the matter or matters covered by an item in the estimates approved by the Minister may exceed the amount specified in the item by an amount not exceeding 20 per centum of the amount so specified.

(4) A reference in this section to the administrative costs of a Land Council shall be read as including a reference to the cost of paying remuneration and allowances that are payable under this Act to a member of the Council or of a Land Trust holding land, or established to hold land, in the area of the Council.

Application
of moneys of
Land
Council.

35. (1) Moneys paid to a Land Council under sub-section 64 (1) shall be applied by the Land Council in meeting its administrative costs in accordance with section 34, and, to the extent that they are not required for that purpose, shall be paid, within 6 months of their receipt by the Land Council, to—

- (a) Aboriginal Councils the areas of which are in the area of the Land Council; and
- (b) any incorporated Aboriginal communities or groups the members of which live in the area of the Land Council,

in such proportions as the Land Council determines having regard to the needs of the Aboriginals concerned.

(2) Moneys paid to a Land Council under sub-section 64 (3) shall be paid, within 6 months of their receipt by the Land Council, to—

- (a) Aboriginal Councils the areas of which are, whether in whole or in part, included in the area affected by the mining operations by reason of which the moneys have been paid to the Land Council; and
- (b) any incorporated Aboriginal communities or groups the members of which live in the area affected by those mining operations,

in such proportions as the Land Council determines.

(3) Moneys paid to a Land Council under an agreement made under section 43 or 44 shall be applied by the Land Council in accordance with the agreement or, if the agreement makes no provision in relation to the application of the moneys, shall be paid to—

- (a) Aboriginal Councils the Aboriginals in the areas of which are affected by the agreement; and
- (b) any incorporated Aboriginal communities or groups the members of which are affected by the agreement,

in such proportions as the Land Council determines.

(4) Where a Land Council receives a payment in respect of Aboriginal land, including a payment under section 15 or 16 or under a lease or licence under section 19 or 20 but not including a payment under section 64, the Land Council shall pay an amount equal to that payment to or for the benefit of the traditional Aboriginal owners of the land.

36. No payment, other than a payment in accordance with section 34 or 35, shall be made by a Land Council unless the payment has been approved by the Minister.

Other payments to be approved by Minister.

37. A Land Council shall cause to be kept proper accounts and records of the transactions and affairs of the Council and shall do all things necessary to ensure that all payments out of the moneys of the Council are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Council and over the incurring of liabilities by the Council.

Financial records to be kept.

38. (1) The Minister may, at any time, cause a person having the prescribed qualifications to inspect and audit the accounts and records caused to be kept by a Land Council in pursuance of section 37 and to furnish to him a report of the results of that inspection and audit drawing attention to any irregularity in the financial affairs of the Council disclosed by that inspection and audit.

Audit of financial records.

(2) The Minister shall, before an inspection and audit under subsection (1) is commenced, by notice in writing served on the Chairman of the Land Council concerned, inform him that such an inspection and audit will be carried out and name the person whom he has engaged for the purpose.

(3) Where a notice is served on the Chairman of a Land Council under sub-section (2), the Chairman shall inform the Council of his receipt of the notice and, thereupon, the Land Council shall ensure that the person named in the notice or a person authorized by that person has, for the purposes of the inspection and audit referred to in the notice, full and free access to all accounts, records, documents and papers of the Council relevant directly or indirectly to the payment of money by the Council or to the acquisition, receipt, custody or disposal of assets by the Council.

(4) A person named in a notice served under sub-section (2) or a person authorized by him may, for the purpose only of use in the inspection and audit to which the notice relates, take copies of, or extracts from, such accounts, records, documents and papers.

Preservation of rights of member of staff of Land Council.

39. Where a member of the staff of a Land Council was, immediately before his appointment as such member, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act 1928* applied—

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service under this Act shall be taken into account as if it were service in the Australian Public Service; and
- (c) the *Officers' Rights Declaration Act 1928* applies as if this Act and this section had been specified in the Schedule to that Act.

PART IV—MINING INTERESTS AND MINING OPERATIONS

Grants of mining interests.

40. (1) A mining interest in respect of Aboriginal land shall not be granted unless—

- (a) both the Minister and the Land Council for the area in which the land is situated have consented, in writing, to the making of the grant; or
- (b) the Governor-General has, by Proclamation, declared that the national interest requires that the grant be made.

(2) Where the Minister and a Land Council, after considering proposals placed before them by an applicant for an exploration licence in respect of Aboriginal land, being proposals for the exploration for minerals on that land and the recovery of any minerals found as a result of the exploration, have, for the purposes of sub-section (1), consented to the grant of that licence, that sub-section does not apply to a later grant to that person of other mining interests in respect of that land that are in substantial accordance with those proposals.

(3) Where the holder of an exploration licence in respect of land applied, before 4 June 1976, for another mining interest in respect of that land, sub-section (1) does not apply to the grant of that other interest.

(4) Where, before 4 June 1976, a person was issued with a permit in respect of land under the *Petroleum (Prospecting and Mining) Ordinance 1954* of the Northern Territory, as amended from time to time, sub-section (1) does not apply to the grant to that person of a lease under that Ordinance in respect of that land.

(5) Sub-section (1) does not apply to the grant to a person of a lease in respect of Aboriginal land under the *Petroleum (Prospecting and Mining) Ordinance 1954* of the Northern Territory, as amended from time to

time, if that person applied for the grant of such a lease in respect of that land before the land became Aboriginal land.

(6) If the land, or part of the land, described in Schedule 2, being the land known as the Ranger Project Area, becomes Aboriginal land, sub-section (1) does not apply in relation to that land, or that part of the land.

(7) Sub-section (1) does not apply in relation to the land described in Schedule 3, being the land known as the Eastern Areas on Groote Eylandt.

41. (1) The *Atomic Energy Act 1953* or any other Act authorizing mining for minerals does not apply in relation to land that is Aboriginal land so as to authorize the entry or remaining of a person on the land or the doing of any act by a person on the land unless—

Application of Acts authorizing mining on Aboriginal land.

- (a) the Governor-General has, by Proclamation, declared that both the Minister and the Land Council for the area in which the land is situated have consented to the application of that Act in relation to entry on that land; or
- (b) the Governor-General has, by Proclamation, declared that the national interest requires the application of that Act in relation to entry on that land.

(2) If the land, or part of the land, described in Schedule 2, being the land known as the Ranger Project Area, becomes Aboriginal land, sub-section (1) does not apply in relation to that land, or that part of the land.

42. (1) The Minister shall, as soon as practicable after the making of a Proclamation referred to in paragraph 40 (1) (b) or 41 (1) (b), cause a copy of the Proclamation to be laid before each House of the Parliament.

Proclamation to be laid before House of Parliament.

(2) Either House of the Parliament, within 15 sitting days of that House after a copy of a Proclamation has been laid before that House under sub-section (1), may, in pursuance of a motion upon notice, pass a resolution disapproving of the declaration in the Proclamation.

(3) If neither House of the Parliament passes a resolution in accordance with sub-section (2) disapproving of the declaration in a Proclamation referred to in sub-section (1), the Proclamation takes effect on the day immediately following the last day upon which such a resolution could have been passed.

(4) If, before the expiration of 15 sitting days of a House of the Parliament after a copy of a Proclamation referred to in sub-section (1) has been laid before that House—

- (a) that House is dissolved or, being the House of Representatives, expires, or the Parliament is prorogued; and

- (b) a resolution for the disapproval of the declaration in the Proclamation has not been passed by that House,

the copy of the Proclamation shall, for the purposes of this section, be deemed to have been laid before that House on the first sitting day of that House after the dissolution, expiry or prorogation, as the case may be.

Payments in respect of granting of mining interests.

43. (1) A Land Council may agree with an applicant for a mining interest in respect of Aboriginal land in the area of the Land Council for the giving of consent by the Land Council to the granting of that mining interest to that applicant in consideration of the payment to the Land Council by the applicant of an amount or amounts specified in, or calculated in accordance with, the agreement and of the acceptance of such other terms and conditions as are provided for in the agreement.

(2) Where, by virtue of sub-section 40 (2), (3), (4), (5), (6) or (7) or a Proclamation under paragraph 40 (1) (b), a mining interest in respect of Aboriginal land may be granted without the consent of the Land Council for the area in which the land is situated, the mining interest shall not be granted unless the applicant for the mining interest has entered into an agreement under seal with the Land Council containing such terms and conditions as are agreed on by the parties having regard to the effect of the grant of the mining interest on Aboriginals, which terms may include a requirement for the payment to the Land Council by the applicant of an amount or amounts specified in, or calculated in accordance with, the agreement.

(3) An agreement of the kind referred to in sub-section (1) or (2) in respect of a lease or other mining interest authorizing the recovery of minerals of any kind shall not be made unless and until—

- (a) the terms and conditions on which that lease or other mining interest is to be granted have been determined; and
- (b) where the rate of royalty payable to the Crown in respect of minerals of that kind in force at the time those terms and conditions are determined is a higher rate than the rate in force at the commencement of this section, the Minister has made a determination under sub-section 63 (3) in respect of the royalties at that higher rate,

and an agreement purporting to be made in contravention of this sub-section is void and of no effect.

(4) An agreement under sub-section (1) or (2) may make provision for the distribution of any moneys paid to the Land Council under the agreement to or for the benefit of such groups of Aboriginals as are specified in the agreement.

44. (1) A Land Council may agree with the Commonwealth for the giving of consent by the Land Council to the application, in the manner referred to in section 41, to any Aboriginal land in the area of the Land Council of the *Atomic Energy Act 1953* or any other Act authorizing mining for minerals in consideration of the payment to the Land Council by the Commonwealth of an amount or amounts specified in, or calculated in accordance with, the agreement and of the acceptance of such other terms and conditions as are provided for in the agreement.

Payments in respect of mining under Acts.

(2) Where, by virtue of sub-section 41 (2) or a Proclamation under paragraph 41 (1) (b), the *Atomic Energy Act 1953* or any other Act authorizing mining for minerals applies, in the manner referred to in section 41, in respect of any Aboriginal land without the consent of the Land Council for the area in which the land is situated, that Act shall not be taken to authorize the entry or remaining of a person on that land or the doing of any act by a person on that land unless the Commonwealth has entered into an agreement under seal with the Land Council for the payment to the Land Council by the Commonwealth of an amount or amounts specified in, or calculated in accordance with, the agreement and the acceptance by the Commonwealth of such other terms and conditions as are provided for in the agreement.

(3) An agreement under sub-section (1) or (2) may make provision for the distribution of any moneys paid to the Land Council under the agreement to or for the benefit of such groups of Aboriginals as are specified in the agreement.

45. (1) Where the Minister is satisfied that a Land Council has refused, or is unwilling, to give its consent to the grant of a mining interest by reason that the applicant for the grant will not enter into an agreement proposed by the Land Council as consideration for the giving of its consent to the grant, the Minister may, after consultation with the Land Council and with the applicant for the grant, appoint an Arbitrator, being a person whom the Minister considers to be in a position to deal with the matter impartially, to determine the terms and conditions of the agreement that, in the opinion of the Arbitrator, should be acceptable to the Land Council and to the applicant as consideration for the giving by the Land Council of its consent to the grant.

Arbitration on agreement sought by Land Council.

(2) Where the Arbitrator has determined the terms and conditions of an agreement under sub-section (1) and the applicant for the grant is willing to enter into that agreement with the Land Council, the Land Council shall enter into that agreement with the applicant and, in consideration of that agreement, shall give its consent to the grant sought by the applicant.

(3) Where the Minister is satisfied that a Land Council has refused, or is unwilling, to comply with sub-section (2), the Minister may, on behalf of the Land Council, enter into such agreement and give such consent as is required of the Land Council by that sub-section.

(4) This section applies in relation to a consent referred to in paragraph 41 (1) (a) as if—

- (a) a reference in this section to the grant of a mining interest were a reference to the application, in the manner referred to in section 41, to any Aboriginal land of the *Atomic Energy Act* 1953 or any other Act authorizing mining for minerals;
- (b) the reference in sub-section (1) to consultation with the applicant for the grant were omitted; and
- (c) subject to paragraph (b), a reference in this section to the applicant for the grant were a reference to the Commonwealth.

Arbitration
on required
agreement.

46. (1) Where the Minister is satisfied that—

- (a) a Land Council has refused, or is unwilling, to negotiate with respect to the terms and conditions of an agreement required by sub-section 43 (2) or 44 (2); or
- (b) the Land Council and the applicant for the relevant mining interest or the Commonwealth, as the case may be, cannot agree on the terms and conditions of the agreement,

the Minister may, after consultation with the Land Council and, where appropriate, with the applicant for the grant, appoint an Arbitrator, being a person whom the Minister considers to be in a position to deal with the matter impartially, to determine the terms and conditions of the agreement, that, in the opinion of the Arbitrator, should be acceptable to the Land Council and to the applicant or to the Commonwealth, as the case may be, on the basis that the entering into of the agreement by the Land Council is equivalent to the giving of a necessary consent by the Land Council to the grant of the relevant mining interest or to the application of the relevant Act, as the case may be.

(2) Where the Arbitrator has determined the terms and conditions of an agreement under sub-section (1) and the applicant for the grant or the Commonwealth, as the case may be, is willing to enter into that agreement with the Land Council, the Land Council shall enter into that agreement.

(3) Where the Minister is satisfied that a Land Council has refused, or is unwilling, to enter into an agreement in accordance with sub-section (2), the Minister may, in the name of, and on behalf of, the Land Council, enter into the agreement.

Offence in
connexion
with mining
interest.

47. (1) Except as provided by section 43 or as expressly provided by any other law, a person who makes or agrees to make a payment or offers or agrees to offer a gift, to another person in connexion with the granting of a mining interest in Aboriginal land is guilty of an offence against this sub-section and is punishable, on conviction, by a fine not exceeding, in the case of a body corporate, \$10,000 or, in the case of a person other than a body corporate, \$2,000.

(2) Where an offence against sub-section (1) is committed by a body corporate and the offence is committed with the consent or connivance of, or facilitated by neglect on the part of, a director or officer of the body corporate, the director or officer is guilty of an offence against that sub-section punishable, on conviction, by a fine not exceeding \$3,000.

(3) In this section, “officer”, in relation to a body corporate, has the same meaning as it has in relation to a corporation in the *Companies Ordinance* 1962-1974 of the Australian Capital Territory.

48. A Land Council shall not give a consent referred to in paragraph 40 (1) (a) or 41 (1) (a) unless the Land Council is satisfied that—

- (a) the traditional Aboriginal owners (if any) of the land to which the proposed grant or application relates understand the nature and purpose of the proposed grant or application, as the case may be, and, as a group, consent to it;
- (b) any Aboriginal community or group that may be affected by the proposed grant or application, as the case may be, has been consulted and has had adequate opportunity to express its view to the Land Council; and
- (c) in the case of a proposed grant—the terms and conditions of that grant are reasonable.

Consent of Land Council to reflect views of traditional Aboriginal owners.

PART V—ABORIGINAL LAND COMMISSIONER

49. There shall be an Aboriginal Land Commissioner.

Aboriginal Land Commissioner.

50. (1) The functions of the Commissioner are—

Functions of Commissioner.

- (a) on an application being made to the Commissioner by or on behalf of Aboriginals claiming to have a traditional land claim to an area of land, being unalienated Crown land or alienated Crown land in which all estates and interests not held by the Crown are held by, or on behalf of, Aboriginals—
 - (i) to ascertain whether those Aboriginals or any other Aboriginals are the traditional Aboriginal owners of the land; and
 - (ii) to report his findings to the Minister and to the Minister for the Northern Territory, and, where he finds that there are Aboriginals who are the traditional Aboriginal owners of the land, to make recommendations to the Minister for the granting of the land or any part of the land in accordance with sections 11 and 12;
- (b) to inquire into the likely extent of traditional land claims by Aboriginals to alienated Crown land and to report to the Minister

and to the Minister for the Northern Territory, from time to time, the results of his inquiries;

- (c) to establish and maintain a register of the traditional land claims referred to in paragraph (b);
- (d) to advise the Minister in connexion with any other matter relevant to the operation of this Act that is referred to the Commissioner by the Minister; and
- (e) to advise the Minister and the Minister for the Northern Territory in connexion with any other matter relating to land in the Northern Territory that is referred to the Commissioner by the Minister with the concurrence of the Minister for the Northern Territory.

(2) The Commissioner may, with the approval of the Minister, perform any function that may be conferred on him by a law of the Northern Territory.

(3) In making a report in connexion with a traditional land claim the Commissioner shall have regard to the strength or otherwise of the traditional attachment by the claimants to the land claimed, and shall comment on each of the following matters:—

- (a) the number of Aboriginals with traditional attachments to the land claimed who would be advantaged, and the nature and extent of the advantage that would accrue to those Aboriginals, if the claim were acceded to either in whole or in part;
- (b) the detriment to persons or communities including other Aboriginal groups that might result if the claim were acceded to either in whole or in part;
- (c) the effect which acceding to the claim either in whole or in part would have on the existing or proposed patterns of land usage in the region; and
- (d) where the claim relates to alienated Crown land—the cost of acquiring the interests of persons (other than the Crown) in the land concerned.

(4) In carrying out his functions the Commissioner shall have regard to the following principles:—

- (a) Aboriginals who by choice are living at a place on the traditional country of the tribe or linguistic group to which they belong but do not have a right or entitlement to live at that place ought, where practicable, to be able to acquire secure occupancy of that place;
- (b) Aboriginals who are not living at a place on the traditional country of the tribe or linguistic group to which they belong but desire to live at such a place ought, where practicable, to be able to acquire secure occupancy of such a place.

51. The Commissioner may do all things necessary or convenient to be done for or in connexion with the performance of his functions.

Powers of Commissioner.

52. (1) The Commissioner shall be appointed by the Governor-General.

Appointment of Commissioner.

(2) Subject to this Act, the Commissioner holds office for such period, not exceeding 3 years, as is specified in the instrument of his appointment and on such terms and conditions as the Governor-General determines, but is eligible for re-appointment.

(3) A person who has attained the age of 65 years shall not be appointed or re-appointed as Commissioner, and a person shall not be appointed or re-appointed as Commissioner for a period that extends beyond the date on which he will attain the age of 65 years.

53. (1) A person shall not be appointed as Commissioner unless he is a Judge of the Supreme Court of the Northern Territory.

Judge to be appointed as Commissioner.

(2) A person ceases to hold office as Commissioner if he ceases to be a Judge of the Supreme Court of the Northern Territory.

(3) The appointment of a Judge of the Supreme Court of the Northern Territory as Commissioner and his service as Commissioner shall not affect his tenure of his judicial office or his rank, title, status, precedence, salary or annual allowances or other judicial privileges as the holder of that judicial office and, for all purposes, his service as Commissioner shall be taken to be service as the holder of his judicial office.

54. (1) The Commissioner may, by notice in writing, require a person whom he believes to be capable of giving information relating to a matter being inquired into by the Commissioner in carrying out his functions under this Act, being a matter specified in the notice, to attend before him at the time and place specified in the notice and there to answer questions in relation to that matter and to produce to the Commissioner such documents and other records in relation to that matter as are specified in the notice.

Power to require person to answer questions and produce documents.

(2) The Commissioner may make and retain copies of, or extracts from, any documents or other records produced in pursuance of this section.

(3) A person is not excused from answering a question or producing any documents or other records when required so to do under this section on the ground that the answer to the question, or the production of the documents or other records, might tend to incriminate him or make him liable to a penalty, but his answer to any such question is not admissible in evidence against him in proceedings other than proceedings for an offence against paragraph (6) (c) or sub-section (7).

(4) A person attending before the Commissioner in pursuance of this section has the same protection, and is, in addition to the penalties

provided by this section, subject to the same liabilities, as a witness in proceedings in the High Court.

(5) The Commissioner may administer an oath or affirmation to a person required to attend before him in pursuance of this section and may examine the person on oath or affirmation.

(6) A person shall not, without lawful excuse, refuse or fail—

(a) to attend before the Commissioner;

(b) to be sworn or make an affirmation; or

(c) to answer a question or produce a document or record,

when so required in pursuance of this section.

Penalty: \$1,000.

(7) A person shall not furnish information or make a statement to the Commissioner under this section knowing that it is false or misleading in a material particular.

Penalty: \$1,000.

Interests of
Commissioner in
any
business.

55. The Commissioner shall, as soon as practicable, give written notice to the Minister of all direct and indirect pecuniary interests that he has or acquired in any business carried on in Australia or in any body corporate carrying on any such business or in any land in the Northern Territory.

Leave of
absence.

56. The Minister may grant leave of absence to the Commissioner upon such terms and conditions as the Minister determines.

Acting
appoint-
ments.

57. (1) Where there is a vacancy in the office of Commissioner, the Minister may appoint a person to act as Commissioner until the filling of the vacancy, but a person so appointed shall not continue so to act after the expiration of the period of 12 months after the occurrence of the vacancy.

(2) Where the Commissioner is, or is expected to be, absent from Australia or is unable, whether on account of illness or otherwise, to perform the duties of his office, the Minister may appoint a person to act as Commissioner during the period during which the Commissioner is so absent or so unable to perform the duties of his office.

(3) Subject to sub-section (4), a person appointed to act as Commissioner in accordance with this section has all the functions, powers and duties of the Commissioner.

(4) A person referred to in sub-section (3) does not have the powers conferred on the Commissioner by section 54 unless he is a Judge.

(5) The Minister may—

(a) subject to this Act and having regard to the terms and conditions of appointment applicable to the Commissioner, determine the terms and conditions of appointment, including

remuneration and allowances, of a person appointed under this section; and

(b) at any time, terminate such an appointment.

(6) A person appointed under this section may resign his appointment by writing under his hand delivered to the Minister, but the resignation does not have effect until it is accepted by the Minister.

58. The Commissioner may resign his office by writing under his hand delivered to the Governor-General, but the resignation does not have effect until it is accepted by the Governor-General. Resignation.

59. Any staff required to assist the Commissioner shall be persons appointed or employed under the *Public Service Act 1922*. Staff to assist Commissioner.

60. (1) The Commissioner, with the approval of the Public Service Board, may, on behalf of the Commonwealth, engage persons having suitable qualifications and experience as consultants to the Commissioner. Consultants to Commissioner.

(2) The terms and conditions on which persons are engaged under sub-section (1) shall be such terms and conditions as are determined by the Minister with the approval of the Public Service Board.

61. (1) The Commissioner shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report of his operations during the year that ended on that date and, for that purpose, the period commencing on the day on which this Act receives the Royal Assent and ending on 30 June 1977 shall be regarded as a year. Annual report, &c., by Commissioner.

(2) The Commissioner shall furnish to the Minister such additional reports as the Minister requires and may furnish such other reports as the Commissioner thinks fit.

(3) The Minister shall cause a report furnished to him under sub-section (1) to be laid before each House of the Parliament within 15 sitting days of that House after the receipt of the report by the Minister.

PART VI—ABORIGINALS BENEFIT TRUST ACCOUNT

62. (1) A Fund is hereby established to be known as the Aboriginals Benefit Trust Account. Aboriginals Benefit Trust Account.

(2) The Account is a Trust Account for the purposes of section 62A of the *Audit Act 1901*.

(3) Interest received from the investment of moneys standing to the credit of the Trust Account forms part of the Trust Account.

Payments
into Trust
Account
and con-
sequential
appropriation.

63. (1) The Aborigines Benefits Trust Fund referred to in section 21 of the *Northern Territory (Administration) Act* 1910 shall be closed and the balance in that Fund after all liabilities have been met shall be paid into the Trust Account.

(2) Subject to sub-section (3), there shall be paid into the Trust Account, from time to time, out of the Consolidated Revenue Fund amounts equal to the amounts of any royalties received by the Crown in respect of a mining interest in Aboriginal land.

(3) Where, by reason of an increase in the rate of royalty since the commencement of this section, an amount of royalties referred to in sub-section (2) is in excess of the amount that it would have been if no change in the rate of royalty had taken place since the commencement of this section, such part only of that excess as the Minister determines shall be taken into account for the purpose of ascertaining the amount payable into the Trust Account under that sub-section in respect of those royalties.

(4) Where mining operations for minerals are carried on under the *Atomic Energy Act* 1953 or any other Act on Aboriginal land by, or on behalf of, the Commonwealth or an Authority, there shall be paid into the Trust Account from time to time, out of the Consolidated Revenue Fund, payments in respect of those mining operations of such amounts as are determined in accordance with sub-section (5).

(5) Amounts payable under sub-section (4) are—

- (a) such amounts as would be payable to the Crown as royalties if the mining operations were carried on in accordance with the law of the Northern Territory relating to mining for minerals and the royalties were payable at the rate fixed by that law immediately before the commencement of this section; or
- (b) if the Minister administering the Act under which the mining operations are carried on and the Minister administering this Act jointly determine that amounts higher than the amounts referred to in paragraph (a) are to be payable under sub-section (4) in respect of particular mining operations—the amounts so determined.

(6) The Consolidated Revenue Fund is appropriated for the purpose of making the payments referred to in sub-sections (2) and (4).

Payments
out of Trust
Account.

64. (1) There shall be paid out of the Trust Account from time to time, for distribution between or among the Land Councils in such proportions as the Minister determines having regard to the number of Aborigines living in the area of each Council, an amount equal to 40 per centum of the amounts paid into the Trust Fund in accordance with sub-section 63 (2) or (4).

(2) Where the distribution referred to in sub-section (1) is between 2 Land Councils only, the Minister shall determine the proportions for the purposes of that distribution as 50 per centum for each Council.

(3) There shall be paid out of the Trust Account, from time to time, to each Land Council in the area of which a mining interest referred to in sub-section 63 (2) is situated, or mining operations referred to in sub-section 63 (4) are being carried on, an amount equal to 30 per centum of any amounts—

- (a) paid into the Trust Account in accordance with sub-section 63 (2) in respect of that mining interest; or
- (b) paid into the Trust Account in accordance with sub-section 63 (4) in respect of those mining operations,

as the case may be.

(4) There shall be paid out of the Trust Account such other amounts as the Minister directs to be paid or applied to or for the benefit of Aboriginals living in the Northern Territory.

(5) There shall be paid out of the Trust Account such amounts to meet the expenses of administering the account as the Minister directs.

(6) Amounts that the Minister directs to be paid out of the Trust Account under sub-section (4) or (5) shall be paid or applied in accordance with the direction.

65. (1) There shall be a Trust Account Advisory Committee to advise the Minister in connexion with the making of payments out of the Trust Account under sub-section 64 (4).

Trust
Account
Advisory
Committee.

(2) The Trust Account Advisory Committee shall consist of—

- (a) a Chairman appointed by the Minister; and
- (b) an equal number of members elected by each Land Council, being a number fixed by the Minister from time to time.

(3) The Chairman and the other members of the Trust Account Advisory Committee shall be Aboriginals living in the Northern Territory or whose names are set out in a register maintained in accordance with section 24.

PART VII—MISCELLANEOUS

66. A reference in this Part to an estate or interest in Aboriginal land includes a reference to—

Interpretation.

- (a) a mining interest;
- (b) an interest arising out of the operation of the *Atomic Energy Act 1953* or any other Act authorizing mining for minerals;
- (c) an interest arising out of the taking possession, mining or occupation of land by virtue of a miner's right; and

- (d) an interest by way of the occupation or use of land in accordance with section 14 or 18.

Aboriginal
land not to
be resumed,
&c.

67. Aboriginal land shall not be resumed, compulsorily acquired or forfeited under any law of the Northern Territory.

Roads over
Aboriginal
land.

68. (1) A road shall not be constructed over Aboriginal land unless the Land Council for the area in which the land is situated consents, in writing, to the construction.

(2) A Land Council shall not give a consent referred to in sub-section (1) unless the Land Council is satisfied that—

- (a) the traditional Aboriginal owners (if any) of the land concerned understand the nature and purpose of the proposal to construct the road and, as a group, consent to it; and
- (b) any Aboriginal community or group that may be affected by the construction of the road has been consulted and has had adequate opportunity to express its view to the Land Council.

(3) A person, other than an Aboriginal, is not entitled, unless the Minister otherwise directs, to use a road constructed in accordance with a consent given by a Land Council under sub-section (1) except as provided by or under a law of the Northern Territory.

(4) This section does not apply in relation to the construction or use of a road over Aboriginal land in which a person other than a Land Trust has an estate or interest if the construction or use—

- (a) where the estate or interest is a mining interest—is authorized by a law of the Northern Territory;
- (b) where the estate or interest is an interest arising out of the operation of the *Atomic Energy Act 1953* or any other Act authorizing mining for minerals—is authorized by that Act; or
- (c) in any other case—is necessary for the use or enjoyment of the estate or interest by the owner of the estate or interest.

Sacred sites.

69. (1) Except in the performance of functions under this Act or otherwise in accordance with this Act or a law of the Northern Territory, a person shall not enter or remain on land in the Northern Territory that is a sacred site.

Penalty: \$1,000.

(2) Sub-section (1) does not prevent an Aboriginal from entering or remaining on a sacred site in accordance with Aboriginal tradition.

(3) Subject to sub-section (4), in proceedings for an offence against sub-section (1), it is a defence if the person charged proves that he had no reasonable grounds for suspecting that the land concerned was a sacred site.

(4) Where the charge relates to a sacred site on Aboriginal land, the defence provided by sub-section (3) shall not be taken to have been established by a person unless he proves that—

- (a) his presence on the land would not have been unlawful if the land had not been a sacred site; and
- (b) he had taken all reasonable steps to ascertain the location and extent of the sacred sites on any part of that Aboriginal land likely to be visited by him.

70. (1) Except in the performance of functions under this Act or otherwise in accordance with this Act or a law of the Northern Territory, a person shall not enter or remain on Aboriginal land. Entry on
Aboriginal
land.

Penalty: \$1,000.

(2) Where a person, other than a Land Trust, has an estate or interest in Aboriginal land—

- (a) a person is entitled to enter and remain on the land for any purpose that is necessary for the use or enjoyment of that estate or interest by the owner of the estate or interest; and
- (b) a law of the Northern Territory shall not authorize an entry or remaining on the land of a person if his presence on the land would interfere with the use or enjoyment of that estate or interest by the owner of the estate or interest.

(3) In proceedings for an offence against sub-section (1), it is a defence if the person charged proves that his entry or remaining on the land was due to necessity.

71. (1) Subject to this section, an Aboriginal or a group of Aborigines is entitled to enter upon Aboriginal land and use or occupy that land to the extent that that entry, occupation or use is in accordance with Aboriginal tradition governing the rights of that Aboriginal or group of Aborigines with respect to that land, whether or not those rights are qualified as to place, time, circumstances, purpose, permission or any other factor. Traditional
rights to
use or
occupation
of
Aboriginal
land.

(2) Sub-section (1) does not authorize an entry, use or occupation that would interfere with the use or enjoyment of an estate or interest in the land held by a person not being a Land Trust or an Aboriginal Council or other incorporated association of Aborigines.

Aboriginal land to continue to be reserve under Northern Territory law.

72. (1) Where land constituting, or forming part of, an Aboriginal reserve is vested in a Land Trust under this Act, that vesting does not, except as otherwise provided by the regulations, affect the status of that land as such Aboriginal reserve.

(2) In this section, “Aboriginal reserve” means—

- (a) land that is a reserve within the meaning of the *Social Welfare Ordinance* 1964 of the Northern Territory, as amended from time to time; or
- (b) any other land that is a reserve for the purposes of a prescribed law of the Northern Territory.

Reciprocal legislation of the Northern Territory.

73. (1) The power of the Legislative Assembly for the Northern Territory to make Ordinances under section 4U of the *Northern Territory (Administration) Act* 1910 extends to the making of—

- (a) Ordinances providing for the protection of, and the prevention of the desecration of, sacred sites in the Northern Territory, including sacred sites on Aboriginal land, and, in particular, Ordinances regulating or authorizing the entry of persons on those sites, but so that any such Ordinances shall provide for the right of Aboriginals to have access to those sites in accordance with Aboriginal tradition and shall take into account the wishes of Aboriginals relating to the extent to which those sites should be protected;
- (b) Ordinances regulating or authorizing the entry of persons on Aboriginal land, but so that any such Ordinances shall provide for the right of Aboriginals to enter such land in accordance with Aboriginal tradition;
- (c) Ordinances providing for the protection or conservation of, or making other provision with respect to, wildlife in the Northern Territory, including wildlife on Aboriginal land, and, in particular, Ordinances providing for schemes of management of wildlife on Aboriginal land, being schemes that are to be formulated in consultation with the Aboriginals using the land to which the scheme applies, but so that any such Ordinances shall provide for the right of Aboriginals to utilise wildlife resources; and
- (d) Ordinances regulating or prohibiting the entry of persons into, or controlling fishing or other activities in, waters of the sea, including waters of the territorial sea of Australia, adjoining, and within 2 kilometres of, Aboriginal land, but so that any such Ordinances shall provide for the right of Aboriginals to enter, and use the resources of, those waters in accordance with Aboriginal tradition,

but any such Ordinance has effect to the extent only that it is capable of operating concurrently with the laws of the Commonwealth, and, in particular, with this Act, the *National Parks and Wildlife Conservation Act*

1975 and any regulations made, schemes or programs formulated or things done, under this Act, or under that Act.

(2) Sub-section (1) does not affect the continued operation of any Ordinance of the Northern Territory relating to a matter referred to in that sub-section made before the commencement of this section if that Ordinance could have been made in accordance with that sub-section, but an Ordinance of the Northern Territory made before the commencement of this section and relating to a matter referred to in sub-section (1) has effect after the commencement of this section to the extent only that it would have had effect if made after the commencement of this section.

74. This Act does not affect the application to Aboriginal land of a law of the Northern Territory to the extent that that law is capable of operating concurrently with this Act.

Application of laws of Northern Territory to Aboriginal land.

75. A miner's right does not apply in relation to Aboriginal land, unless immediately before the land became Aboriginal land, the land was being occupied or used by virtue of the miner's right.

Application of miner's right in relation to Aboriginal land.

76. (1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a person any of his powers under this Act (other than Part IV) other than this power of delegation.

Delegation by Minister.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

(3) A delegation under this section does not prevent the exercise of a power by the Minister.

77. (1) This section applies to—

- (a) a member of a Land Council; and
- (b) a member of a Land Trust.

Remuneration and allowances.

(2) A person to whom this section applies shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

(3) A person to whom this section applies shall be paid such allowances as are prescribed.

(4) This section has effect subject to the *Remuneration Tribunals Act* 1973.

Regulations. 78. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, prescribing penalties, not exceeding a fine of \$200, for offences against the regulations.

SCHEDULE 1

Section 4

AMOONGUNA

All those pieces of land near Alice Springs in the Northern Territory of Australia containing an area of 530.5 hectares more or less being Northern Territory Portions 461 and 568 and being more particularly delineated on Survey Plans A 127 and Diagram 492 respectively lodged with the Surveyor-General for the Northern Territory.

ARNHEM LAND (ISLANDS)

All those islands in the Northern Territory of Australia containing an area of 5956 square kilometres more or less bounded by lines described as follows: Commencing at a point on high water mark of Mountnorris Bay bearing 245 degrees and approximately 16 kilometres distant from Coombe Point; thence north to the low water mark of the seacoast of Mountnorris Bay; thence generally northwesterly by the low water mark of the seacoast of Mountnorris Bay to its intersection with the meridian of east longitude 132 degrees 20 minutes; thence north to the parallel of south latitude 10 degrees 50 minutes; thence east to the meridian of east longitude 137 degrees; thence south to a point due east of the seaward extremity of the left bank of the Roper River; thence by a line due west to the said seaward extremity of the left bank of the Roper River; thence generally northeasterly and westerly along low water mark of the seacoast of the mainland of Australia to a point due north of the point of commencement; thence south to the point of commencement; but excluding from the said line those parts along the low water marks of all intersecting rivers, streams and estuaries inland from a straight line joining the seaward extremity of each of the opposite banks of each of the said rivers, streams and estuaries so that the aforesaid boundary line shall follow that part below low water mark of each of the aforesaid straight lines across each of the aforesaid intersecting rivers, streams and estuaries.

ARNHEM LAND (MAINLAND)

All that piece of land in the Northern Territory of Australia containing an area of 89872 square kilometres more or less bounded by lines described as follows: Commencing at a point on the high water mark of Mountnorris Bay bearing 245 degrees and approximately 16 kilometres distant from Coombe Point; thence north to the low water mark of the seacoast of Mountnorris Bay; thence generally easterly and southwesterly by the low water mark of the seacoast of Mountnorris Bay, Arafura Sea and the Gulf of Carpentaria to its intersection with the low water mark of the left bank of the Roper River, but excluding from the said boundary line those parts along the low water marks of all intersecting rivers, streams and estuaries inland from a straight line joining the seaward extremity of each of the opposite banks of each of the said rivers, streams and estuaries so that the aforesaid boundary line shall follow that part below low water mark of each of the aforesaid straight lines across each of the aforesaid intersecting rivers, streams and estuaries; thence generally westerly by the said low water mark of the said river to its intersection with the southerly prolongation of the eastern boundary of Pastoral Lease 657 (Urapunga); thence northerly by the said prolongation and the eastern boundary of the said Pastoral Lease to the northeastern corner of the said Pastoral Lease; thence northerly, westerly, again northerly, again westerly and southerly by eastern, northern, again eastern, again northern and western boundaries of Pastoral Leases 726 and 725 (Mainoru) to the most northern northeastern corner of Pastoral Lease 569 (Mountain Valley); thence westerly by the northern boundaries of Pastoral Lease 569 and Pastoral Lease 707 (Waterhouse) to the northeastern corner of Pastoral Lease 705 (Eva Valley); thence westerly by part of a northern boundary of the said Pastoral Lease to the southeastern corner of Pastoral Lease 668 (Gimbat); thence northerly by the eastern boundary of the said Pastoral Lease to the northeastern corner of the said Pastoral Lease; thence northerly by the eastern boundary of the Sanctuary as notified in *Northern Territory Government Gazette* No. 32 of 9

SCHEDULE 1—continued

August 1972 and its northerly prolongation to its intersection with the right bank of the East Alligator River; thence generally northwesterly by the said bank of the East Alligator River to a point due east of the tidal limit of the said river; thence west by a line to the low water mark of the right bank of the East Alligator River; thence generally northwesterly by the said low water mark of the said river to its intersection with the low water mark of the seacoast of Van Diemen Gulf; thence generally northerly by the said low water mark to its intersection with a line bearing 231 degrees from the point of commencement; but excluding from the said boundary line those parts along the low water marks of all intersecting rivers, streams and estuaries inland from a straight line joining the seaward extremity of each of the opposite banks of each of the said rivers, streams and estuaries so that the aforesaid boundary line shall follow that part below low water mark of each of the aforesaid straight lines across each of the aforesaid intersecting rivers, streams and estuaries; thence northeasterly by the said line bearing 231 degrees to the point of commencement.

BATHURST ISLAND

All that piece of land at Bathurst Island in the Northern Territory of Australia containing an area of 2071 square kilometres more or less being all that part of Bathurst Island above a line along the low water mark surrounding the said island; but excluding from the said line those parts along the low water marks of all intersecting rivers, streams and estuaries inland from a straight line joining the seaward extremity of each of the opposite banks of each of the said rivers, streams and estuaries so that the aforesaid boundary line shall follow that part below low water mark of each of the aforesaid straight lines across each of the aforesaid rivers, streams and estuaries.

BESWICK

All that piece of land in the Northern Territory of Australia containing an area of 3406 square kilometres more or less: Commencing at the southwestern corner of the Commonage Reserve as notified in *Commonwealth of Australia Government Gazette* No. 40 of 13 May 1920; thence easterly by the southern boundary of the said Reserve to its intersection with the right bank of Beswick Creek; thence generally northwesterly by the said bank to its intersection with the westerly prolongation of the northern boundary of former Pastoral Lease 158; thence by a line east to its intersection with the southerly prolongation of the most southern of the eastern boundaries of Pastoral Lease 705 (Eva Valley); thence northerly by the said prolongation to the most southern southeastern corner of the said Pastoral Lease; thence northerly and easterly by eastern and southern boundaries of Pastoral Lease 705 (Eva Valley) to the most eastern southeastern corner of the said Pastoral Lease; thence easterly by the southern boundary of Pastoral Lease 707 (Waterhouse) to the southeastern corner of the said Pastoral Lease; thence easterly and southerly by southern and western boundaries of Pastoral Lease 569 (Mountain Valley) to the most southern southwestern corner of the said Pastoral Lease; thence southerly, westerly and again southerly by western, northern and again western boundaries of Pastoral Lease 752 (Goondooloo) to the most northern northeastern corner of Pastoral Lease 593 (Esley); thence westerly and southerly by a northern boundary and part of a western boundary of the said Pastoral Lease to the most eastern northeastern corner of Pastoral Lease 635 (Mataranka); thence westerly by part of a northern boundary of the said Pastoral Lease to its intersection with a line on the northeastern side of parallel to and 1669.69 metres distant from the centreline of the North Australia Railway; thence generally northwesterly by the line parallel to and 1669.69 metres distant from the centre line of the North Australia Railway to its intersection with the southerly prolongation of the western boundary of the Commonage Reserve as notified in the *Commonwealth of Australia Government Gazette* No. 40 of 13 May 1920; thence northerly by the said prolongation to the point of commencement.

DALY RIVER

All that piece of land in the Northern Territory of Australia containing an area of 13467 square kilometres more or less bounded by lines described as follows: Commencing at the intersection of the western boundary of Pastoral Lease 562 (Tipperary) with the low water mark of the left bank of the Daly River; thence southerly by the western boundary of Pastoral Lease 562 to the southwestern corner of the said Pastoral Lease; thence easterly by part of the southern boundary of Pastoral Lease 562 to a point due north of the most northern northwestern corner of Pastoral Lease 597 (Coolibah); thence south to the most northern northwestern corner of Pastoral Lease 597; thence southerly by a western boundary of the said Pastoral

SCHEDULE 1—continued

Lease to its intersection with the right bank of the Fitzmaurice River; thence generally westerly by the said bank of the Fitzmaurice River to a point north of the tidal limit of the said river; thence south to the low water mark of the right bank of the Fitzmaurice River; thence generally westerly by the said low water mark of the said River to its intersection with the low water mark of the seacoast of the Timor Sea; thence generally northwesterly and northeasterly by the said low water mark to its intersection with the low water mark of the left bank of the Daly River; but excluding from the said line those parts along the low water marks of all intersecting rivers, streams and estuaries inland from a straight line joining the seaward extremity of each of the opposite banks of each of the said rivers, streams and estuaries so that the aforesaid boundary line shall follow that part below low water mark of each of the aforesaid straight lines across each of the aforesaid rivers, streams and estuaries; thence generally south-easterly by the low water mark of the left bank of the Daly River to the point of commencement and including those parts above low water mark of the Peron Islands.

DELISSAVILLE

All that piece of land in the Hundred of Bray County of Palmerston Northern Territory of Australia containing an area of 4091 hectares more or less being Section 25 and being more particularly delineated on Survey Plan OP 1413 lodged with the Surveyor-General for the Northern Territory.

HAASTS BLUFF

All that piece of land in the Northern Territory of Australia containing an area of 39610 square kilometres more or less: Commencing at the intersection of the western boundary of the Northern Territory with the parallel of south latitude 23 degrees 1 minute 20.32 seconds; thence east to the meridian of east longitude 130 degrees 36 minutes 16.76 seconds; thence easterly by a line to the southwestern corner of Pastoral Lease 583 (Newhaven); thence easterly by the southern boundary of the said Pastoral Lease and a southern boundary of Pastoral Lease 714 (Mount Wedge) to the southeastern corner of the said Pastoral Lease; thence southerly, easterly and again southerly by part of a western, a southern, and again a western boundary of Pastoral Lease 607 (Derwent) to the northwestern corner of Pastoral Lease 681 (Glen Helen); thence southerly, easterly and again southerly by western, southern and again western boundaries of the said Pastoral Lease to the northwestern corner of Special Purpose Lease 159 (Hermannsburg); thence southerly by the western boundaries of the said Special Purpose Lease and the western boundary of Reserve No. 1259 as notified in *Northern Territory Government Gazette* No. 44 of 29 October 1969 to the southwestern corner of the said Special Purpose Lease; thence westerly by part of the northern boundary of Pastoral Lease 629 (Tempe Downs) to the northwestern corner of the said Pastoral Lease; thence west to the western boundary of the Northern Territory; thence north by the said western boundary to the point of commencement.

HERMANNSBURG

All that piece of land in the Northern Territory of Australia containing an area of 3807 square kilometres more or less: Commencing at the most southerly southwestern corner of Pastoral Lease 681 (Glen Helen); thence easterly by southern boundaries of the said Pastoral Lease and a southern boundary of Reserve No. 1147 as notified in *Northern Territory Government Gazette* No. 11 of 17 March 1965 to the most southerly southeastern corner of the said Pastoral Lease; thence southerly and easterly by part of a western and a southern boundary of Pastoral Lease 780 (Owen Springs) and the southern boundary of Reserve No. 1232 as notified in *Northern Territory Government Gazette* No. 29 of 26 June 1968 to the northwestern corner of Reserve No. 1233 as notified in *Northern Territory Government Gazette* No. 29 of 26 June 1968; thence southerly, northeasterly, southeasterly and northerly by western, southeasterly, southwestern and eastern boundaries of the said Reserve to the northeastern corner of the said Reserve; thence easterly and southerly by part of a southern and a western boundary of Pastoral Lease 780 (Owen Springs) to the most northerly northeastern corner of Pastoral Lease 600 (Henbury); thence westerly by a northern boundary of the said Pastoral Lease to its intersection with the eastern boundary of Reserve No. 1174 as notified in *Northern Territory Government Gazette* No. 60 of 30 November 1966; thence northerly, westerly, again northerly, again westerly, southerly, easterly and again southerly by part of an eastern, a northern, an eastern, again a northern, a western, a southern and part of a western boundary of the said Reserve to a northeastern corner of Pastoral Lease 600 (Henbury); thence westerly by a northern boundary of the said Pastoral Lease and part of a northern boundary of Pastoral Lease 629 (Tempe Downs) to the most southerly southeastern corner of Reserve No. 1028 as

SCHEDULE 1—continued

notified in *Northern Territory Government Gazette* No. 45 of 14 October 1959; thence northerly by part of an eastern boundary of the said Reserve to the southwestern corner of Reserve No. 1259 as notified in *Northern Territory Government Gazette* No. 44 of 29 October 1969; thence easterly, northerly, and westerly by southern, eastern and northern boundaries of the said Reserve to the northwestern corner of the said Reserve; thence northerly by part of an eastern boundary of Reserve No. 1028 to the point of commencement.

HOOKER CREEK

All that piece of land in the Northern Territory of Australia containing an area of 2193 square kilometres more or less: Commencing at the most southern southwestern corner of Pastoral Lease 529 (Wave Hill); thence east for 1371.6 metres; thence south for 1981.2 metres; thence west for 2285.77 metres; thence north for 1981.2 metres; thence west for 20725.04 metres; thence north for 2434.74 metres; thence west for 32497.28 metres to a point on the eastern boundary of Pastoral Lease 559 (Birrindudu); thence northerly by the said boundary to the northeastern corner of the said Pastoral Lease; thence northerly and easterly by eastern and southern boundaries of Pastoral Lease 550 (Inverway) to the most eastern southeastern corner of the said Pastoral Lease; thence easterly and southerly by southern and western boundaries of Pastoral Lease 529 (Wave Hill) to the point of commencement.

JAY CREEK

All that piece of land in the Northern Territory of Australia containing an area of 300 square kilometres more or less: Commencing at the southwestern corner of Reserve No. 1297 as notified in *Northern Territory Government Gazette* No. 26 of 1 July 1970; thence easterly and southerly by a southern and western boundary of the said Reserve to the most northerly northwestern corner of Northern Territory Portion 460; thence southwesterly by the northwestern boundary of the said Portion to the most westerly northwestern corner of the said Portion; thence southwesterly, westerly and northerly by northwestern, northern and eastern boundaries of Pastoral Lease 780 (Owen Springs) to a northeastern corner of the said Pastoral Lease; thence easterly, northerly, northeasterly and again easterly by southern, eastern, southeastern and southern boundaries of Pastoral Lease 670 (Hamilton Downs) to a southeastern corner of the said Pastoral Lease; thence southerly by part of the western boundary of Reserve No. 1297 to the point of commencement.

LAKE MACKAY

All that piece of land in the Northern Territory of Australia containing an area of 34190 square kilometres more or less: Commencing at the intersection of the western boundary of the Northern Territory with the parallel of south latitude 21 degrees; thence east to a point north of the northwestern corner of Pastoral Lease 764 (Chilla Well); thence south to the said corner of the said Pastoral Lease; thence southerly by the western boundary of Pastoral Lease 764 and part of the western boundary of Pastoral Lease 802 (Mount Doreen) to the parallel of south latitude 22 degrees 30 minutes 10.02 seconds; thence west to the meridian of east longitude 130 degrees 24 minutes 12.38 seconds; thence south to the parallel of south latitude 22 degrees 40 minutes 37.91 seconds; thence southeasterly to the intersection of the meridian of east longitude 130 degrees 36 minutes 16.76 seconds with the parallel of south latitude 23 degrees 1 minute 20.32 seconds; thence west to the western boundary of the Northern Territory; thence north by the said western boundary to the point of commencement.

LARRAKEAH

All those pieces of land in the Hundreds of Colton and Guy County of Palmerston Northern Territory of Australia containing an area of 3880 hectares more or less:

Firstly

Commencing at the northeastern corner of Section 215 Hundred of Colton; thence southerly by the eastern boundaries of Sections 215 and 213 to the southeastern corner of Section 213; thence southerly by the southerly prolongation of the eastern boundary of Section 213 to the northeastern corner of Section 211; thence southerly and westerly by the eastern and southern boundaries of Section 211 to the southwestern corner of the said Section; thence westerly and southerly by the southern boundary of Section 212 and the eastern boundary of Section 209 to the southeastern corner of Section 209; thence southerly by the southerly prolongation of the eastern boundary of Section 209 to the northeastern corner of Section 208; thence southerly by part of the eastern boundary of Section 208 for a distance of 402.33 metres; thence east to the left bank of the Adelaide River; thence generally northerly by the

SCHEDULE 1—continued

said bank of the said river to its intersection with the southerly prolongation of the eastern boundary of Section 247; thence northerly by the said prolongation to the southeastern corner of the said Section; thence westerly, southwesterly, northwesterly, northerly, northwesterly and northerly by southern, southeastern, southwestern, western, southwestern and western boundaries of Section 247 to the northwestern corner of the said Section; thence northerly by the western boundary of Section 246 to the northwestern corner of the said Section; thence westerly by the westerly prolongation of the northern boundary of Section 246 to its intersection with the southerly prolongation of the eastern boundary of Section 244; thence northerly by the said prolongation to a point 20.12 metres south of the southeastern corner of Section 244; thence westerly by a line 20.12 metres south of and parallel to the southern boundaries of Sections 244, end of road, 241, 240 and the westerly prolongation of the said line to the point of commencement.

Secondly

Commencing at the southwestern corner of Section 1455 Hundred of Guy; thence northerly by the western boundary of the said Section and a western boundary of Section 1454 to the most westerly northwestern corner of Section 1454; thence northeasterly to the most northerly southwestern corner of the said Section; thence northerly, easterly and southerly by western, northern and eastern boundaries of Section 1454 to the most easterly southeastern corner of the said Section; thence easterly by parts of the northern boundaries of Sections 7 and 6 to the southeastern corner of Section 1456; thence northerly, easterly, southerly, westerly and again southerly by western, northern, eastern, southern and again eastern boundaries of Section 8 to the northeastern corner of Section 6; thence southerly by part of the eastern boundary of Section 6 to the northwestern corner of Section 10; thence easterly by the northern boundary of Section 10 to the northeastern corner of the said Section; thence easterly, southerly and westerly by northern, eastern and southern boundaries of Section 5 to the southwestern corner of the said Section; thence westerly by the southern boundary of Section 10 to the southwestern corner of the said Section; thence westerly, southerly and again westerly by southern, eastern and again southern boundaries of Section 6 to the southwestern corner of the said Section; thence westerly by the southern boundary of Section 7 and its westerly prolongation to the southeastern corner of Section 1455; thence westerly, northerly and again westerly by southern, western and again southern boundaries of the said Section to the point of commencement.

MELVILLE ISLAND

All those pieces of land at Melville Island in the Northern Territory of Australia containing an area of 5697 square kilometres more or less being all those parts of Melville and Buchanan Islands and all other islands lying within 5.56 kilometres of low water mark of Melville Island above a line along the low water mark surrounding the said islands; but excluding from the said line those parts along the low water marks of all intersecting rivers, streams and estuaries inland from a straight line joining the seaward extremity of each of the opposite banks of each of the said rivers, streams and estuaries so that the aforesaid boundary line shall follow that part below low water mark of each of the aforesaid straight lines across each of the aforesaid rivers, streams and estuaries.

PETERMANN

All that piece of land in the Northern Territory of Australia containing an area of 44970 square kilometres more or less: Commencing at the northwestern corner of Pastoral Lease 629 (Tempe Downs); thence southerly by a western boundary of the said Pastoral Lease and its southerly prolongation to the parallel of south latitude 24 degrees 50 minutes; thence west to the meridian of east longitude 130 degrees 45 minutes; thence south to the most northern northeastern corner of Reserve No. 1012 as notified in *Northern Territory Government Gazette* No. 10 of 5 March 1958; thence northwesterly, southerly and easterly by northeastern, western and southern boundaries of the said Reserve to the southeastern corner of the said Reserve; thence southerly to the most western northwestern corner of Pastoral Lease 722 (Mulga Par); thence southerly by a western boundary of the said Pastoral Lease to the southwestern corner of the said Pastoral Lease; thence west along the southern boundary of the Northern Territory to the southwestern corner of the Northern Territory; thence north along the western boundary of the Northern Territory to a point west of the point of commencement; thence east to the point of commencement.

SCHEDULE 1—continued

SANTA TERESA

All that piece of land in the Northern Territory of Australia containing an area of 1243 square kilometres more or less: Commencing at the northwestern corner of Pastoral Lease 627 (Allambi); thence northerly, westerly and again northerly by part of an eastern, a northern and an eastern boundary of Pastoral Lease 595 (Deep Well) to the most southerly southeastern corner of Pastoral Lease 673 (Undoolya); thence northerly and easterly by eastern and southern boundaries of the said Pastoral Lease to a southeastern corner of the said Pastoral Lease; thence southeasterly, southerly, easterly and again southerly by southwestern, western, southern and part of a western boundary of Pastoral Lease 605 (Todd River) to the northern boundary of the Phillipson stock route; thence by lines bearing 269 degrees 57 minutes 54.34.1 metres; 299 degrees 46 minutes 10 seconds 417.4 metres; 240 degrees 5 minutes 50 seconds 417.4 metres to the most northern northeastern corner of Pastoral Lease 627 (Allambi); thence westerly by a northern boundary of the said Pastoral Lease to the point of commencement.

WAGAIT

All those pieces of land being partly within the Hundreds of Finnis, Glyde and Hart and partly out of Hundred within the Country of Palmerston Northern Territory of Australia containing an area of 1447 square kilometres more or less bounded by lines described as follows:

Firstly

Commencing at a point 20.12 metres west of the northwestern corner of Section 1461 Hundred of Hart; thence southerly by a line parallel to and 20.12 metres distant from the western boundary of Section 1461 to a point 20.12 metres north of the northeastern corner of Section 1784; thence westerly by a line parallel to and 20.12 metres north of the northern boundaries of Sections 1784 and 1783 to a point 20.12 metres west of the western boundary of Section 1783; thence southerly by a line parallel to and 20.12 metres west of the western boundaries of Sections 1783, 1758, 1763, 1766 and 1793 to a point 20.12 metres north of the northern boundary of Section 1762; thence westerly by a line parallel to and 20.12 metres north of the northern boundaries of Sections 1762, 1761, 1760, 1759 and 1781 to a point 20.12 metres west of the western boundary of Section 1781; thence southerly by a line parallel to and 20.12 metres west of the western boundaries of Sections 1781, 1782 and 1838 to a point 20.12 metres south of the southern boundary of Section 1838; thence easterly by a line parallel to and 20.12 metres south of the southern boundary of Section 1838 to a point 20.12 metres west of the western boundary of Section 1814; thence southerly by a line parallel to and 20.12 metres west of the western boundaries of Sections 1814, 1822 and 1837 to a point 20.12 metres north of the northern boundary of Section 1842; thence westerly by a line parallel to and 20.12 metres north of the northern boundaries of Sections 1842 and 1875 to a point 20.12 metres west of the western boundary of Section 1875; thence southerly by a line parallel to and 20.12 metres west of the western boundaries of Sections 1875, 1876 and 1877 to its intersection with a northern boundary of Pastoral Lease 676 (Stapleton); thence westerly by the northern boundary of the said Pastoral Lease and the westerly prolongation of the said boundary to its intersection with the low water mark of the seacoast of the Timor Sea; thence generally northeasterly by the said low water mark to its intersection with the low water mark of the left bank of the Finnis River; but excluding from the said line those parts along the low water marks of all intersecting rivers, streams and estuaries inland from a straight line joining the seaward extremity of each of the opposite banks of each of the said rivers, streams and estuaries so that the aforesaid boundary line shall follow that part below low water mark of each of the aforesaid straight lines across each of the aforesaid rivers, streams and estuaries; thence generally northeasterly and southeasterly by the low water mark of the left bank of the Finnis River to its second intersection with the southern boundary of the Hundred of Glyde; thence easterly by the southern boundary of the Hundred of Glyde and part of the southern boundary of the Hundred of Milne to the point of commencement.

Secondly

Commencing at the intersection of the southern boundary of the Hundred of Milne with the left bank of the Finnis River; thence generally southeasterly and easterly by the said bank

SCHEDULE 1—continued

of the said river to its intersection with the eastern boundary of the Hundred of Finniss; thence southerly by the eastern boundary of the Hundred of Finniss to its intersection with the easterly prolongation of the southern boundary of Section 2067 Hundred of Finniss; thence westerly by the said prolongation to the southeastern corner of Section 2067; thence westerly by the southern boundaries of Sections 2067, 2066, 2065, 2037, 2028 and 2026 to the south-western corner of Section 2026; thence westerly by the westerly prolongation of the southern boundary of Section 2026 to its intersection with a line parallel to and 20.12 metres east of the eastern boundary of Section 1821 Hundred of Hart; thence northerly by the said line to a point 20.12 metres south of the southern boundary of Section 1460; thence easterly by a line parallel to and 20.12 metres south of the southern boundary of Section 1460 to a point 20.12 metres east of the eastern boundary of the said Section; thence northerly by a line parallel to and 20.12 metres east of the eastern boundaries of Sections 1460, 1459, 1458 and 1457 to a point 20.12 metres south of the southern boundary of Section 1701; thence easterly by a line parallel to and 20.12 metres south of the southern boundaries of Sections 1701, 1700, 1699, 1698 and 1697 to a point of 20.12 metres east of the eastern boundary of Section 1697; thence north by a line parallel to and 20.12 metres east of the eastern boundaries of Sections 1697, 1696 and 1684 to a point 20.12 metres north of the northern boundary of Section 1684; thence westerly by a line parallel to and 20.12 metres north of the northern boundaries of Sections 1684 and 1688 to a point 20.12 metres east of the eastern boundary of Section 1790; thence northerly by a line parallel to and 20.12 metres east of the eastern boundary of Section 1790 to a point 20.12 metres north of the northern boundary of Section 1790; thence westerly by a line parallel to and 20.12 metres north of the northern boundaries of Sections 1790 and 1789 to a point 20.12 metres east of the eastern boundary of Section 1797; thence northerly by a line parallel to and 20.12 metres east of the eastern boundary of Section 1797 to its intersection with the southern boundary of the Hundred of Milne; thence easterly by part of the southern boundary of the Hundred of Milne to the point of commencement.

WARRABRI

All that piece of land in the Northern Territory of Australia containing an area of 440 square kilometres more or less being Northern Territory Portion 599 and being more particularly delineated on Survey Plan A125 lodged with the Surveyor-General for the Northern Territory.

WOOLWONGA

All that piece of land in the Northern Territory of Australia containing an area of 505 square kilometres more or less: Commencing at the intersection of the right bank of the South Alligator River with the southern boundary of Pastoral Lease 737 (Munmarlary); thence easterly by the said boundary to the southeastern corner of the said Pastoral Lease; thence easterly by part of the southern boundary of Pastoral Lease 739 (Mudginberri) to a point on a line on the western side of the road to Oenpelli parallel to and 30.175 metres distant from the centreline of the said road; thence generally southwesterly by the said line to its intersection with the surveyed line as shown on Survey Plan A.429 lodged with the Surveyor-General for the Northern Territory; thence westerly by the said line and the surveyed line as shown on Survey Plan A913 lodged with the Surveyor-General for the Northern Territory; to the intersection with the right bank of the South Alligator River; thence generally northerly by the said bank of the said River to the point of commencement.

YUENDUMU

All that piece of land in the Northern Territory of Australia containing an area of 2201 square kilometres more or less: Commencing at the most westerly southwestern corner of Pastoral Lease 590 (Mount Denison); thence easterly and southerly by southern and western boundaries of the said Pastoral Lease to the most southerly southwestern corner of the said Pastoral Lease; thence westerly and southerly by northern and western boundaries of Pastoral Lease 803 (Mount Allan) to the southwestern corner of the said Pastoral Lease; thence westerly by part of the northern boundary of Pastoral Lease 585 (Mount Wedge) to its intersection with the southerly prolongation of the eastern boundary of Pastoral Lease 802 (Mount

SCHEDULE 1—continued

Doreen); thence northerly by the said prolongation and part of the said boundary to a point west of the point of commencement; thence east to the point of commencement.

SCHEDULE 2

Sections 40 and 41

RANGER PROJECT AREA

All that piece of land in the Northern Territory of Australia containing an area of 83 square kilometres more or less bounded by lines described as follows: Commencing at the intersection of latitude 12 degrees 38 minutes with longitude 132 degrees 53 minutes 30 seconds thence proceeding to the intersection of latitude 12 degrees 36 minutes with longitude 132 degrees 53 minutes 30 seconds thence proceeding to the intersection of latitude 12 degrees 36 minutes with longitude 132 degrees 53 minutes thence proceeding to the intersection of latitude 12 degrees 35 minutes with longitude 132 degrees 53 minutes thence proceeding to a point which lies at the intersection of latitude 12 degrees 35 minutes with a line joining the intersections of latitude 12 degrees 29 minutes with longitude 132 degrees 51 minutes and latitude 12 degrees 36 minutes with longitude 132 degrees 55 minutes thence proceeding to the intersection of latitude 12 degrees 36 minutes with longitude 132 degrees 55 minutes thence proceeding to a point which lies at the intersection of longitude 132 degrees 56 minutes 22 seconds with a line joining the intersections of latitude 12 degrees 36 minutes with longitude 132 degrees 55 minutes and latitude 12 degrees 33 minutes 20 seconds with longitude 132 degrees thence proceeding to the intersection of latitude 12 degrees 43 minutes 20 seconds with longitude 132 degrees 56 minutes 22 seconds thence proceeding to the intersection of latitude 12 degrees 43 minutes 20 seconds with longitude 132 degrees 53 minutes thence proceeding to a point which lies at the intersection of longitude 132 degrees 53 minutes with a line joining the intersection of latitude 12 degrees 38 minutes with longitude 132 degrees 53 minutes 30 seconds and latitude 12 degrees 39 minutes 50 seconds with longitude 132 degrees 49 minutes thence proceeding to the intersection of latitude 12 degrees 38 minutes with longitude 132 degrees 53 minutes 30 seconds.

SCHEDULE 3

Section 40

EASTERN AREAS ON GROOTE EYLANDT

All those pieces of land in the Northern Territory of Australia containing an area of 43.96 square kilometres more or less:

Firstly

Commencing at the intersection of latitude 14 degrees 01 minutes with longitude 136 degrees 30 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 01 minutes with longitude 136 degrees 32 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 03 minutes with longitude 136 degrees 32 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 03 minutes with longitude 136 degrees 30 minutes 45 seconds thence proceeding to the intersection of latitude 14 degrees 02 minutes with longitude 136 degrees 30 minutes 45 seconds thence proceeding to the intersection of latitude 14 degrees 02 minutes with longitude 136 degrees 30 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 01 minutes with longitude 136 degrees 30 minutes 30 seconds.

Secondly

Commencing at the intersection of latitude 14 degrees 04 minutes with longitude 136 degrees 28 minutes 45 seconds thence proceeding to the intersection of latitude 14 degrees 04 minutes with longitude 136 degrees 31 minutes thence proceeding to the intersection of latitude 14 degrees 04 minutes 30 seconds with longitude 136 degrees 31 minutes thence proceeding to the intersection of latitude 14 degrees 04 minutes 30 seconds with longitude 136 degrees 34 minutes 15 seconds thence proceeding to the intersection of latitude 14 degrees 06 minutes 30 seconds with longitude 136 degrees 34 minutes 15 seconds thence proceeding to the intersection of latitude 14 degrees 06 minutes 30 seconds with longitude 136 degrees 31 minutes 30

SCHEDULE 3—continued

seconds thence proceeding to the intersection of latitude 14 degrees 06 minutes with longitude 136 degrees 31 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 06 minutes with longitude 136 degrees 30 minutes thence proceeding to the intersection of latitude 14 degrees 05 minutes with longitude 136 degrees 30 minutes thence proceeding to the intersection of latitude 14 degrees 05 minutes with longitude 136 degrees 28 minutes 45 seconds thence proceeding to the intersection of latitude 14 degrees 04 minutes with longitude 136 degrees 28 minutes 45 seconds.

NOTE

1. Act No. 191, 1976; assented to 16 December 1976.