

# ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT ACT (No. 3) 1978

No. 70 of 1978

An Act to amend the *Aboriginal Land Rights (Northern Territory) Act 1976* for purposes related to the self-government of the Northern Territory.

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

Short title,  
&c.

1. (1) This Act may be cited as the *Aboriginal Land Rights (Northern Territory) Amendment Act (No. 3) 1978*.<sup>1</sup>

(2) The *Aboriginal Land Rights (Northern Territory) Act 1976*<sup>2</sup> is in this Act referred to as the Principal Act.

Commence-  
ment

2. This Act shall come into operation on 1 July 1978.

Interpret-  
ation

3. Section 3 of the Principal Act is amended—

(a) by omitting from the definition of “law of the Northern Territory” in sub-section (1) “*Northern Territory (Administration) Act 1910*” and substituting “*Northern Territory (Self-Government) Act 1978*”;

(b) by inserting in the definition of “mineral royalties” in sub-section (1) “or the Northern Territory” after “Commonwealth”; and

(c) by adding at the end thereof the following sub-section:

“(6) A reference in this Act to the Crown shall be read as a reference to the Crown in right of the Commonwealth or the Crown in right of the Northern Territory or both, as the case requires.”.

4. After section 3 of the Principal Act the following section is inserted in Part I:

Crown land  
vested in  
Northern  
Territory

“3A. (1) Notwithstanding any law of the Northern Territory, the application of this Act in relation to Crown land extends to Crown land that is vested in the Northern Territory.

“(2) Notwithstanding any law of the Commonwealth or of the Northern Territory, the Commonwealth is not liable to pay to the Northern Territory any compensation by reason of the making of a grant to a Land Trust of Crown land that is vested in the Northern Territory.”.

5. Section 14 of the Principal Act is amended by inserting in sub-section (3) “, the Northern Territory” after “Commonwealth”.

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

6. Section 17 of the Principal Act is repealed and the following section substituted:

“17. The amount of any payment to a Land Council under section 15 or 16 shall be paid—

Appropriation,  
&c., of  
payments to  
Land  
Council

- (a) in the case of a payment by the Commonwealth—out of the Consolidated Revenue Fund, which is appropriated accordingly; or
- (b) in the case of a payment by the Northern Territory—out of moneys lawfully available for the purpose.”

7. Section 19 of the Principal Act is amended by inserting in sub-section (3) “, the Northern Territory” after “Commonwealth”.

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

8. Section 63 of the Principal Act is amended—

- (a) by omitting sub-section (2) and substituting the following sub-section:

Payments  
into 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 Commonwealth or the Northern Territory in respect of a mining interest in Aboriginal land.”; and

- (b) by inserting in sub-section (4) “, the Northern Territory” after “Commonwealth”.

9. Section 73 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “for the Northern Territory to make Ordinances under section 4U of the *Northern Territory (Administration) Act 1910*” and substituting “of the Northern Territory under the *Northern Territory (Self-Government) Act 1978* in relation to the making of laws”;

Reciprocal  
legislation of  
the Northern  
Territory

- (b) by omitting from sub-section (1) “Ordinances” (wherever occurring) and substituting “laws”; and

- (c) by omitting from sub-section (1) “Ordinance” and substituting “law”.

Transitional **10.** (1) Where, before 1 July 1978, an amount became payable under section 15 or 16 of the Principal Act, but was not paid, that amount shall be paid on or after that date as if the Principal Act had not been amended by this Act.

(2) Anything done under the Principal Act before 1 July 1978 in relation to land that, by the *Northern Territory (Self-Government) Act 1978*, is vested in the Northern Territory on that date, has effect on and after that date as if it had been done under the Principal Act as amended by this Act, and a reference to any such land in any claim, report, recommendation, deed, instrument or other document made under the Principal Act shall be construed accordingly.

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#### NOTES

1. Act No. 70, 1978; assented to 22 June 1978.
2. Act No. 191, 1976, as amended. For previous amendments *see* Acts Nos. 21 and 83, 1978.