**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.

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

**Commencement**

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

**Interpretation**

**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.”.

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

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

**6.** Section 17 of the Principal Act is repealed and the following section substituted:

**Appropriation, &c., of payments to Land Council**

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

(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.”.

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

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

**Payments into Trust Account**

**8.** Section 63 of the Principal Act is amended—

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

“(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”.

**Reciprocal legislation of the Northern Territory**

**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”;

(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.