

ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT ACT (No. 2) 1978

No. 83 of 1978

An Act to amend the *Aboriginal Land Rights (Northern Territory) Act 1976*.

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. 2) 1978*.¹

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

Commence-
ment

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

3. After section 18 of the Principal Act the following sections are inserted:

Occupation
or use of
land in
Ranger
Project Area

“18A. (1) Subject to section 18C, where, on the vesting in a Land Trust of an estate in fee simple in land (hereinafter in this sub-section referred to as “the vested land”) that constitutes, or forms part of, the land described in Schedule 2 known as the Ranger Project Area, the vested land is being occupied or used by a person as provided for by a law of the Northern Territory relating to mining for minerals or with the licence or permission of the Crown—

(a) the person is entitled to continue that occupation or use during the period commencing on that vesting and ending on—

(i) the entering into an agreement with respect to the vested land under sub-section 44 (2); or

(ii) the granting of an authority under the *Atomic Energy Act 1953* with respect to the vested land,

whichever last occurs; and

(b) any fixtures or other improvements constructed or erected on the vested land by the person before 17 May 1978 shall, during the period commencing at the commencement of the period referred to in paragraph (a) and ending when the authority under the *Atomic Energy Act 1953*, referred to in sub-paragraph (a) (ii), or any extension or renewal of that authority, is revoked or otherwise ceases to operate, be deemed to be the property of that person.

“(2) A person who, by force of sub-section (1)—

- (a) has a right to occupy or use land during a period; or
- (b) has, during a period, a title to fixtures or other improvements constructed or erected on land,

may, with the consent of the Minister, transfer that right or title to another person and may, subject to any conditions or restrictions applicable by or under a law of the Commonwealth or of the Northern Territory, demolish or remove any such fixtures or other improvements during, or within 3 months after the expiration of, that period.

“18B. (1) Subject to section 18C, where, on the vesting in a Land Trust of an estate in fee simple in land (hereinafter in this sub-section referred to as ‘the vested land’) that forms part of the Alligator Rivers Region, the vested land is being occupied or used by a person as provided for by a law of the Northern Territory relating to mining for minerals or with the licence or permission of the Crown—

Occupation
or use of
land in
Alligator
Rivers
Region,
other than
the Ranger
Project Area

- (a) the person is entitled to continue that occupation or use during the period commencing on that vesting and ending—
 - (i) when the person or another person, having obtained a grant in respect of the land under the *Atomic Energy Act* 1953 or any other Act authorizing mining for minerals or any law of the Northern Territory, becomes, as such grantee, entitled, whether at the time of the grant or subsequently, to occupy or use the land; or
 - (ii) when the Minister, by notice in the *Gazette*, declares that he is satisfied that no grant of a kind referred to in subparagraph (i) will be made to any person; and
- (b) any fixtures or other improvements constructed or erected on the vested land by the person before 17 May 1978, shall, during the period commencing at the commencement of the period referred to in paragraph (a) and ending—
 - (i) where a grant referred to in subparagraph (a) (i) is made—when that grant, or any extension or renewal of that grant, is revoked or otherwise ceases to operate; or
 - (ii) where the Minister makes a declaration under subparagraph (a) (ii)—when that declaration is published in the *Gazette*,

be deemed to be the property of that person.

“(2) A person who, by force of sub-section (1)—

- (a) has a right to occupy or use land during a period; or
- (b) has, during a period, a title to fixtures or other improvements constructed or erected on land,

may, with the consent of the Minister, transfer that right or title to another person and may, subject to any conditions or restrictions applicable by or under a law of the Commonwealth or of the Northern Territory, demolish or remove any such fixtures or other improvements during, or within 3 months after the expiration of, that period.

“(3) In this section, ‘Alligator Rivers Region’ means the Alligator Rivers Region as defined for the purposes of the *Environment Protection (Alligator Rivers Region) Act 1978*, but does not include the land described in Schedule 2, being the land known as the Ranger Project Area.

Section 18A
or 18B not to
authorize
mining, &c.

“18C. Nothing in section 18A or 18B shall be taken to authorize the carrying out of mining operations, or exploration for minerals, on land.”.

Interpret-
ation

4. Section 66 of the Principal Act is amended by omitting from paragraph (d) “or 18” and substituting “, 18, 18A or 18B”.

NOTES

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