

EXPLANATORY STATEMENT

Select Legislative Instrument 2007 No. 309

Issued by the authority of the Minister for Families, Community Services and
Indigenous Affairs

Aboriginal Land Rights (Northern Territory) Act 1976

Aboriginal Land Rights (Northern Territory) Amendment Regulations 2007 (No. 1)

Section 78 of *Aboriginal Land Rights (Northern Territory) Act 1976* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Subsection 35 (4) of the Act provides that where a Land Council receives certain payments in respect of Aboriginal land including certain payments under the Act, the Land Council must pay an amount equal to that payment to or for the benefit of the traditional Aboriginal owners. Subsection 35 (4A) provides that where a Land Council pays to a person an amount equal to certain payments referred to in subsection 35 (4), it must advise the person that the payment is an accountable amount. An accountable amount is a payment to which enhanced accountability provisions laid down in sections 35B (which relates to notifying a recipient of the purpose of the payment) and 35C (which relates to reporting obligations) of the Act apply. Paragraph 35 (4A) (c) provides that the regulations may prescribe a kind of payment referred to in subsection 35 (4) for the purposes of subsection 35 (4A).

The purpose of the Regulations is to prescribe the kind of payment.

Details of the Regulations are outlined in the Attachment.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.

The Northern Land Council and the Central Land Council were invited to provide comments on a draft of the regulations. No comments were received.

Details of the Aboriginal Land Rights (Northern Territory) Amendment Regulations 2007 (No. 1)

Regulation 1 – Name of Regulations

This regulation provides that the Regulations are the *Aboriginal Land Rights (Northern Territory) Amendment Regulations 2007 (No. 1)*.

Regulation 2 – Commencement

This regulation provides for the Regulations to commence on the day after they are registered on the Federal Register of Legislative Instruments.

Regulation 3 – Amendment of *Aboriginal Land Rights (Northern Territory) Regulations 2007*

This regulation provides that Schedule 1 amends the *Aboriginal Land Rights (Northern Territory) Regulations 2007*.

Schedule 1 – Item 1

This item amends the note to regulation 4 of the *Aboriginal Land Rights (Northern Territory) Regulations 2007* by adding Aboriginal land and Director because these defined terms are used in new regulation 6.

Schedule 1 – Item 2

This regulation inserts new regulation 6 (**Kind of payment that is an accountable amount (Act s 35 (4A))**) of the *Aboriginal Land Rights (Northern Territory) Regulations 2007*. New regulation 6 provides that for subsection 35 (4A) the following kind of payment is prescribed:

- (a) it is made in respect of Aboriginal land; and
- (b) it is made by the Director under a lease of the land to the Director; and
- (c) the lease under which the payment is made was entered into in accordance with an agreement made under subsection 12 (2B) or (2C) of the Act.