



NORTHERN TERRITORY OF AUSTRALIA

No. 79 of 1989

AN ACT

to amend the *Crown Lands Act*

[Assented to 22 December 1989]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Crown Lands Amendment Act 1989*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. INTERPRETATION

Section 94 of the *Crown Lands Act* is amended by inserting in the definition of "relevant Land Council", after "application or grant", the words ", or to which an agreement under section 102P relates,".

4. ESTABLISHMENT OF TRIBUNAL

Section 95(2) of the *Crown Lands Act* is amended by omitting "The Tribunal" and substituting "Subject to section 102P, the Tribunal".

5. NEW SECTION

The *Crown Lands Act* is amended by inserting after section 102N the following:

Crown Lands Amendment

"102P. ACCESS TO CERTAIN AREAS OF ABORIGINAL LAND

"(1) Where there is no practical way of gaining access to an area of Aboriginal land described in Part 2 or 3 of Schedule 1 to the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth otherwise than by crossing over a pastoral lease, a person is entitled, for the purpose of gaining access to the area, to cross over the pastoral lease by -

- (a) a route that has been agreed on between each person (in this section called the 'lessee') having an estate or interest in the pastoral lease and the relevant Land Council; or
- (b) if no agreement has been reached in respect of such a route - a route determined by the Tribunal.

"(2) For the purposes of this section the Tribunal shall be constituted by the Chairman alone who, subject to subsection (3), shall act as an arbitrator in the matter in such manner as he or she thinks fit.

"(3) In making a determination under subsection (1)(b), the Tribunal shall as far as possible try to ensure that, while the route provides reasonable access to the Aboriginal land, it does not unduly interfere with any lessee's legitimate use or enjoyment of the land over which it passes.

"(4) A road that may be used, by virtue of an agreement or determination under subsection (1), to gain access to an area of Aboriginal land referred to in that subsection is not to be taken to be a road on which the public has a right of way."
