



NORTHERN TERRITORY OF AUSTRALIA

No. 28 of 1988

AN ACT

to amend the *Interpretation Act*

[Assented to 1 September 1988]

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 *Interpretation Amendment Act (No. 3) 1988*.

2. NEW SECTION

(1) The *Interpretation Act* is amended by inserting after section 59 the following:

"59A. PUBLIC PLACES, &c., ON ABORIGINAL LAND

"(1) Where by or under a law of the Territory a right, privilege, obligation or liability is expressed or implied to be acquired, accrued or incurred by reference to a public place, public street, public road, place of public resort or other place, however described, open to or used by the public or to which the public has access, whether as of right or on the payment of a fee or other charge, that reference includes, and shall be deemed always to have included, any place which but for the fact that it was on Aboriginal land within the meaning of the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth, would have been included in such a reference, and even though that Act of the Commonwealth or the *Aboriginal Land Act* limits the persons or classes of persons who may enter and remain on that Aboriginal land.

Interpretation Amendment (No. 3)

"(2) For the purposes of a law of the Territory referred to in subsection (1), the persons who are not precluded by the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth or the *Aboriginal Land Act* from entering or remaining on Aboriginal land, or who are on Aboriginal land whether or not they are entitled by those Acts, or either of them, to enter or remain on Aboriginal land, are capable of constituting, and shall be deemed always to have been capable of constituting, a section of the public in relation to that land."

(2) It is the object of the amendment effected by subsection (1) to ensure that a place, street or other place referred to in that amendment situated on Aboriginal land, within the meaning of the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth, which would be, but for being so situated, a public place, public street, public road, place of public resort or other place, however described, open to or used by the public or to which the public has access shall have that status, and be deemed always to have had that status, notwithstanding that certain persons are precluded by that Commonwealth Act or the *Aboriginal Land Act* from entering or remaining on that Aboriginal land, and a construction of a law of the Territory that would promote that object shall be preferred to a construction that would not promote that object.

(3) Nothing in the amendment effected by subsection (1) shall be taken -

- (a) to permit a person to enter or remain on Aboriginal land who would not otherwise be entitled to do so; or
 - (b) in any way to affect a right or entitlement of a person, given by or under the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth or the *Aboriginal Land Act*, to enter or remain on Aboriginal land or the rights under those Acts of the beneficial owners of Aboriginal land.
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