

THE NORTHERN TERRITORY OF AUSTRALIA

No. 54 of 1980

AN ACT

To amend the Aboriginal Land Act

[Assented to 10 June 1980]

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 Aboriginal Land Act 1980.

2. COMMENCEMENT

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

3. PRINCIPAL ACT

The Aboriginal Land Act is in this Act referred to as the Principal Act.

4. AMENDMENT OF LONG TITLE

The long title to the Principal Act is amended by omitting all words after "Aboriginal land" and substituting ", certain roads bordered by Aboriginal land and the seas adjacent to Aboriginal land".

5. DEFINITIONS

Section 3 of the Principal Act is amended by inserting after the definition of "Land Trust" the following definition:

"'road' means that part of the land within the boundaries of Aboriginal land described in Schedule 1 of the Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth, the title to which has been granted under section 12 of that Act to a Land Trust, in respect of which -

- (a) in pursuance of section 12AA(1) of that Act, agreement has been reached between a Land Council and the Territory; or

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- (b) in pursuance of section 12AB(1) of that Act, a declaration has been made by the Supreme Court

that the part of the land is -

- (c) land on which there was, at the time of commencement of section 3 of the Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth a road over which the public had, at that time, a right of way; or
- (d) land on which there was, at the time of the execution of the deed of grant issued under section 12 of that Act, a road over which the public had, at that time, a right of way;".

6. NEW SECTION

The Principal Act is amended by inserting after section 3 the following new section:

"3A. STATUS OF ROADS

"Nothing in this Act shall be construed as affecting the status of any road (including a road not falling within the definition of "road" in section 3)."

7. ENTRY ONTO, &c., ABORIGINAL LAND OR A ROAD

Section 4 of the Principal Act is amended -

- (a) by inserting in sub-section (1) after "Aboriginal land" the words "or use a road"; and
- (b) by inserting after sub-section (1) the following sub-section:

"(1A) Nothing in sub-section (1) shall prevent a person who is entitled or permitted under this Part to enter onto or remain on Aboriginal land from using a road that is bordered by that Aboriginal land."

8. ISSUE OF PERMITS

Section 5 of the Principal Act is amended -

- (a) by inserting in sub-section (1) -
- (i) after "Aboriginal land" (first occurring) the words "or a road"; and
- (ii) after "Aboriginal land" (second occurring) the words "or use that road";
- (b) by inserting in sub-section (2) after "Aboriginal land" (second occurring) the words ", or use a road that is bordered by that Aboriginal land,";

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- (c) by inserting in sub-section (3) after "Aboriginal land" the words "or use a road";
- (d) by inserting in sub-section (5) after "Aboriginal land" the words "or a road";
- (e) by adding at the end of sub-section (6) ", or a road that is bordered by that Aboriginal land.";
- (f) by inserting in sub-section (7) -
 - (i) after "Aboriginal land" the word "or a road"; and
 - (ii) after "Aboriginal owners of the area" the words ", or the area that borders the road,"; and
- (g) by inserting in sub-section (8) -
 - (i) after "to enter the Aboriginal land" the words "or use a road bordered by that Aboriginal land"; and
 - (ii) after "over that area" the words ", or in respect of that road,".

9. NEW SECTION

The Principal Act is amended by inserting after section 5 the following new section:

"5A. ADMINISTRATOR MAY ISSUE PERMITS TO USE ROADS IN CERTAIN CIRCUMSTANCES

"Where a person has applied to a Land Council or traditional Aboriginal owners for a permit to use a road in respect of which, under this Part, that Council or those owners have the authority to issue a permit, and that Land Council or those traditional Aboriginal owners, as the case may be, have refused to issue the permit sought or have not, within a reasonable time, so issued the permit, the person may apply to the Administrator who may issue the permit to use the road subject to the conditions set out in the permit."

10. MINISTER MAY ISSUE PERMITS TO CERTAIN GOVERNMENT EMPLOYEES

Section 6 of the Principal Act is amended -

- (a) by inserting in sub-section (1) after "Aboriginal land" (twice occurring) the words "or to use a road";
- (b) by omitting sub-section (2)(b) and substituting the following:
 - "(b) shall specify the area of Aboriginal land or the road that the person to whom the permit is issued is permitted to enter and remain on or use;" and

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- (c) by inserting in sub-section (2)(c) after "Aboriginal land" the words "or use the road".

11. PERMIT TO INCLUDE IMMEDIATE FAMILY

Section 6A of the Principal Act is amended by inserting after "Aboriginal land" the words "or use a road".

12. DEFENCE IN CERTAIN CIRCUMSTANCES

Section 9 of the Principal Act is amended -

- (a) by inserting in paragraph (a) after "Aboriginal land" the words "or use of the road"; and
- (b) by inserting in paragraph (c) after "Aboriginal land" the words "or the road".

13. OPEN AREAS

Section 11 of the Principal Act is amended -

- (a) by omitting from sub-section (1) all words after "Aboriginal land" and substituting "or a road to be an open area or open road, as the case may be."; and
- (b) by inserting in sub-section (2) after "Aboriginal land" the words ", or use the road,".

14. VEHICLES, &c., MAY BE STOPPED AND QUESTIONS ASKED

Section 22(1) of the Principal Act is amended -

- (a) by inserting after "Aboriginal land" the words "or enter or use a road"; and
- (b) by inserting after "open area" the words "or open road".