

Serial 92
Aboriginal Land Amendment (Inter-tidal Waters) Bill 2007
Mr Terry Mills

**A BILL
for
AN ACT**

to amend the *Aboriginal Land Act*

NORTHERN TERRITORY OF AUSTRALIA
ABORIGINAL LAND AMENDMENT (INTER-TIDAL WATERS) ACT 2007

Act No. [] of 2007

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2007

AN ACT

to amend the *Aboriginal Land Act*

[Assented to [] 2007]

[Second reading [] 2007]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Aboriginal Land Amendment (Inter-tidal Waters) Act 2007*.

2. Commencement

This Act commences on assent.

3. Act amended

This Act amends the *Aboriginal Land Act*.

4. New section 7A

After section 7

insert

7A. General exemptions for inter-tidal waters

(1) The appropriate authority may:

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- (a) grant a general exemption in relation to Aboriginal inter-tidal waters; or
 - (b) revoke a general exemption previously granted by the appropriate authority under this section.
- (2) A general exemption:
- (a) must identify the Aboriginal inter-tidal waters to which it relates; and
 - (b) may be granted in favour of the public generally or a class of persons defined in the instrument of exemption; and
 - (c) may be subject to conditions stated in the instrument of exemption.
- (3) A general exemption (or a decision to revoke a general exemption) takes effect as follows:
- (a) a general exemption takes effect on publication of a copy of the instrument of exemption in the *Gazette*;
 - (b) a decision to revoke a general exemption takes effect on publication of notice of the relevant decision in the *Gazette*.
- (4) A person who contravenes a condition of a general exemption is guilty of an offence.

Maximum penalty: \$1 000.

(5) This section lapses if an appeal against the relevant judicial decision is resolved in favour of the appellant.

(6) In this section:

"Aboriginal inter-tidal waters" means waters lying above Aboriginal land situated between the high water mark and the low water mark on the seashore;

"appropriate authority", in relation to Aboriginal inter-tidal waters, means:

- (a) the Land Council for the area in which the waters are situated; or
- (b) the traditional Aboriginal owners of the waters;

"general exemption" means an exemption under this section from the requirement to hold a permit under this Part to enter and remain on Aboriginal land;

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"relevant judicial decision" means the decision of the Full Court of the Federal Court of Australia in *Gumana v Northern Territory of Australia* [2007] FCAFC 23.