Aboriginal Land Rights (Northern Territory) Amendment Bill 2006

(Government)

(1) Clause 2, page 2 (table item 3), omit “5 and 6”, substitute “4A to 4C”. [commencement]

(2) Clause 2, page 2 (table item 4), omit “items 7 and 8”, substitute “item 8”. [commencement]

(3) Clause 2, page 2 (table item 7), omit the table item. [commencement]

(4) Clause 2, page 3 (table item 20), omit “201”, substitute “201A”. [commencement]

(5) Clause 2, page 3 (table item 25), omit the table item. [commencement]

(6) Schedule 1, page 6 (before line 4), before item 2, insert:

1A Subsection 3(1)

Insert:

approved entity means a Commonwealth entity or an NT entity. [township leases to Commonwealth entities]

(7) Schedule 1, page 6 (after line 7), after item 2, insert:

2A Subsection 3(1)

Insert:
Commonwealth entity means a person approved by the Minister under section 3AAA.

[title]

(8) Schedule 1, page 7 (after line 6), after item 4, insert:

4A Subsection 3(1) (definition of exploration retention lease)
Repeal the definition.

4B Subsection 3(1)
Insert:

exploration retention licence means an exploration retention licence granted under a law of the Northern Territory relating to mining for minerals and includes a retention licence granted under the Petroleum Act of the Northern Territory as amended from time to time.

4C Subsection 3(1) (definition of mining interest)
Omit “exploration retention lease”, substitute “exploration retention licence”.

(9) Schedule 1, items 5 and 6, page 7 (lines 7 to 17), omit the items.

(10) Schedule 1, item 7, page 7 (lines 18 to 22), omit the item.

(11) Schedule 1, item 12, page 8 (lines 10 to 13), omit the item.

(12) Schedule 1, item 13, page 8 (before line 16), before section 3AA, insert:

3AAA Approval of Commonwealth entities
The Minister may, by writing, approve a person for the purposes of the definition of Commonwealth entity in subsection 3(1).

Note: Paragraph 22(1)(a) of the Acts Interpretation Act 1901 provides that person includes a body corporate or body politic.

(13) Schedule 1, item 36, page 19 (line 20), omit “NT”, substitute “approved”.

(14) Schedule 1, item 36, page 19 (line 24), omit “NT”, substitute “approved”.

(15) Schedule 1, item 36, page 19 (line 26), omit “NT”, substitute “approved”.

(16) Schedule 1, item 38, page 20 (line 4), omit “an NT entity”, substitute “an approved entity”.

(17) Schedule 1, item 38, page 20 (lines 4 and 5), omit “the NT entity”, substitute “the approved entity”.

[title]
(18) Schedule 1, item 39, page 20 (line 8), omit “NT”, substitute “approved”.

[township leases to Commonwealth entities]

(19) Schedule 1, page 20 (line 9), omit “NT”, substitute “approved”.

[township leases to Commonwealth entities]

(20) Schedule 1, item 44, page 21 (after line 7), after subsection 19(8B), insert:

(8C) A consent of the Minister or a Land Council under subsection (8) relating to a transfer or grant may:
(a) be general; or
(b) be expressed to be limited to a specified person or a person included in a specified class.

[consents by Minister or Land Council]

(21) Schedule 1, item 46, page 21 (line 24), omit “NT”, substitute “approved”.

[township leases to Commonwealth entities]

(22) Schedule 1, item 46, page 22 (line 19), omit “79th year”, substitute “69th year”.

[township leases]

(23) Schedule 1, item 46, page 22 (line 21), after “this section”, insert “to the same approved entity”.

[township leases]

(24) Schedule 1, item 46, page 22 (lines 28 to 31), omit paragraph 19A(6)(b), substitute:

(b) must not provide for the amount of the annual rent to be paid to exceed 5% of the improved capital value of the land, as last assessed, before the start of the year concerned, by:
(i) a person approved under subsection 19B(1); or
(ii) a person who is included in a class of persons approved under subsection 19B(2).

[township leases]

(25) Schedule 1, item 46, page 23 (line 1), omit “NT”, substitute “approved”.

[township leases to Commonwealth entities]

(26) Schedule 1, item 46, page 23 (line 5), omit “NT”, substitute “approved”.

[township leases to Commonwealth entities]

(27) Schedule 1, item 46, page 23 (line 18), omit “NT”, substitute “approved”.

[township leases to Commonwealth entities]

(28) Schedule 1, item 46, page 24 (after line 6), after section 19A, insert:

19B Approval of valuers

(1) The Minister may, by writing, approve a person for the purposes of subparagraph 19A(6)(b)(i).

(2) The Minister may, by writing, approve a class of persons for the purposes of subparagraph 19A(6)(b)(ii).
(3) An approval under this section is not a legislative instrument.  

[township leases]

(29) Schedule 1, item 46, after proposed section 19B, insert:

19C Modification of certain NT laws for a township lease held by a Commonwealth entity or transferred from a Commonwealth entity to an NT entity

(1) This section applies to:
   (a) the grant of a lease to a Commonwealth entity under section 19A; or
   (b) the transfer of a lease to a Commonwealth entity in accordance with that section; or
   (c) the transfer of a lease from a Commonwealth entity to an NT entity in accordance with that section.

Taxes

(2) No stamp duty or similar tax is payable under a law of the Northern Territory in respect of the grant or transfer.

Registration

(3) On the application of the Commonwealth entity or the NT entity, the Registrar-General or other appropriate officer under the law of the Northern Territory relating to the transfer of land must register the instrument of grant or transfer as if it were duly executed under that law.

[township leases]

(30) Schedule 1, item 46, after proposed section 19C, insert:

19D Modification of NT subdivision law for grant of a township lease to a Commonwealth entity

The procedures for the subdivision of land under the law of the Northern Territory relating to the transfer of land do not apply in respect of the grant of a lease to a Commonwealth entity under section 19A.

[township leases]

(31) Schedule 1, item 46, after proposed section 19D, insert:

19E Modification of certain NT laws for a township lease held by a Commonwealth entity

(1) This section applies in relation to a lease:
   (a) granted to a Commonwealth entity under section 19A; or
   (b) transferred to a Commonwealth entity in accordance with that section.

(2) The regulations may make modifications of any law of the Northern Territory relating to:
   (a) planning; or
   (b) infrastructure; or
   (c) the subdivision or transfer of land; or
   (d) other prescribed matters;
   to the extent that the law applies to land the subject of the lease.
(3) In subsection (2):

*modifications* includes additions, omissions and substitutions.

(4) The regulations cease to have effect if the lease is transferred to an NT entity in accordance with section 19A.

[township leases]

(32) Schedule 1, item 48, page 24 (line 10), after “Subject to”, insert “sections 19C to 19E and”.

[township leases to Commonwealth entities]

(33) Schedule 1, item 106, page 52 (lines 11 and 12), omit “receiving notice of the refusal”, substitute “the end of the period of 7 days beginning on the day the person receives notice of the refusal”.

[extension of time to make application for consent to exploration licence]

(34) Schedule 1, item 113, page 53 (before line 11), before subsection 42(1A), insert:

(1AA) The Land Council must notify the applicant, the Minister and the Northern Territory Mining Minister of its decision within 7 days of making the decision.

[period of notification of decision on application for consent to exploration licence]

(35) Schedule 1, item 119, page 55 (after line 31), after subsection 42(18), insert:

(18A) If:

(a) subsection (17) applies; and

(b) any necessary meetings of the kind referred to in subsection (4) were held in relation to the original application;

then the Land Council is not required to hold any further meeting of the kind referred to in subsection (4) in relation to the later application.

[no further meetings for some later applications under section 41]

(36) Schedule 1, page 58 (after line 9), after item 124, insert:

124A Paragraph 44A(2)(b)

Omit “exploration retention lease”, substitute “exploration retention licence”.

124B Paragraph 44A(2)(b)

Omit “or lease”, substitute “or exploration retention licence”.

124C Paragraph 44A(2)(c)

Omit “exploration retention lease” (wherever occurring), substitute “exploration retention licence”.

[exploration retention licences]

(37) Schedule 1, items 125 to 127, page 58 (lines 10 to 31), omit the items.

[renewals of mining interests]

(38) Schedule 1, page 59 (after line 20), after item 131, insert:

131A Subsection 46(17)

Omit “exploration retention lease”, substitute “exploration retention licence”.

[exploration retention licences]
(39) Schedule 1, page 63 (after line 21), after item 143, insert:

143A Subsection 48(7)

Omit “exploration retention lease”, substitute “exploration retention licence”.

[exploration retention licences]

(40) Schedule 1, item 146, page 63 (line 31) to page 64 (line 10), omit the item.

[renewals of mining interests]

(41) Schedule 1, item 177, page 68 (line 11), omit “NT”, substitute “approved”.

[township leases to Commonwealth entities]

(42) Schedule 1, item 177, page 68 (line 12), omit “NT”, substitute “approved”.

[township leases to Commonwealth entities]

(43) Schedule 1, page 78 (after line 13), after item 201, insert:

201A After subsection 76(1)

Insert:

(1A) If the Minister delegates the Minister’s powers under section 19B to the Chief Minister of the Northern Territory, the Chief Minister of the Northern Territory is taken to have executive authority to exercise the delegated powers.

[township leases]

(44) Schedule 1, item 202, page 78 (after line 20), after subsection 76(1), insert:

(1A) If the Minister delegates the Minister’s powers under section 19B to the Chief Minister of the Northern Territory, the Chief Minister of the Northern Territory is taken to have executive authority to exercise the delegated powers.

[township leases]

(45) Schedule 1, item 202, page 78 (line 29), omit “paragraph 45(1)(b)”, substitute “paragraph 45(b)”.

[renewals of mining interests]

(46) Schedule 1, item 207, page 81 (lines 25 to 27), omit the item.

[renewals of mining interests]