

SOUTH AUSTRALIA

PITJANTJATJARA LAND RIGHTS ACT, 1981

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at **15 November 1991**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

PART I PRELIMINARY

Section

1. Short title
2. Commencement
3. Arrangement of Act
4. Interpretation

PART II ANANGU PITJANTJATJARA

DIVISION I—CONSTITUTION OF ANANGU PITJANTJATJARA AS BODY CORPORATE

5. Constitution of Anangu Pitjantjatjara as body corporate

DIVISION II—POWERS AND FUNCTIONS OF ANANGU PITJANTJATJARA

6. Powers and functions of Anangu Pitjantjatjara
7. Requirement of consultation

DIVISION III—GENERAL MEETINGS OF ANANGU PITJANTJATJARA

8. Annual general meetings and special general meetings

DIVISION IV—THE EXECUTIVE BOARD OF ANANGU PITJANTJATJARA

9. Constitution of the Executive Board of Anangu Pitjantjatjara
10. Procedure of the Executive Board
11. Functions of the Executive Board
12. Evidentiary provision
13. Accounts and audit

DIVISION V—THE APPROVED CONSTITUTION

14. The approved constitution of Anangu Pitjantjatjara

PART III THE LANDS

DIVISION I—VESTING OF THE LANDS IN ANANGU PITJANTJATJARA

15. The Governor may grant certain land, in fee simple, to Anangu Pitjantjatjara
16. Special provisions in relation to the land grant
17. Inalienability of land vested in Anangu Pitjantjatjara in pursuance of this Part

DIVISION II—ENTRY TO THE LANDS

18. Rights of Pitjantjatjaras with respect to lands
19. Unauthorized entry on the lands

DIVISION III—MINING OPERATIONS ON THE LANDS

20. Mining operations on the lands
21. Interaction of this Act and Mining and Petroleum Acts
22. Royalty
23. Offence in relation to obtaining permission to carry out mining operations
24. Certain payments or other consideration to Anangu Pitjantjatjara must represent fair compensation

DIVISION IV—THE MINTABIE PRECIOUS STONES FIELD

- 25. Special provisions relating to the Mintabie precious stones field
- 26. The Mintabie Consultative Committee
- 27. Exclusion of certain persons from the field
- 28. Annual licences and incidental rights for Mintabie residents
- 29. Interaction of this Division and the Mining Act

DIVISION V—RIGHT OF THE CROWN TO CONTINUE IN OCCUPATION
OF CERTAIN PARTS OF THE LANDS

- 30. Right of the Crown to continue its occupation of certain land

DIVISION VI—CONSTRUCTION OF ROADS BY THE COMMISSIONER
OF HIGHWAYS

- 31. Consent of Anangu Pitjantjatjara required for road works
- 32. Proposals to carry out road works and arbitration of disputes
- 33. Road reserves
- 34. Consent not required for maintenance or repair of roads referred to in second schedule

PART IV
DISPUTES

- 35. Tribal assessor
- 36. Disputes
- 37. Order compelling compliance with direction of the tribal assessor

PART V
MISCELLANEOUS

- 38. Summary offences
- 39. Power of court to order compensation in certain cases
- 40. Exemption of lands from land tax
- 41. Financial provision
- 42. Non-application of Outback Areas Community Development Trust Act
- 42a. Interaction between this Act and certain other Acts and laws
- 42b. Depasturing of stock
- 42c. Parliamentary Committee
- 42d. Petrol
- 43. Regulations

SCHEDULES

PITJANTJATJARA LAND RIGHTS ACT, 1981

being

Pitjantjatjara Land Rights Act, 1981, No. 20 of 1981
[Assented to 19 March 1981]¹

as amended by

Pitjantjatjara Land Rights Act Amendment Act, 1987, No. 50 of 1987 [Assented to 30 April 1987]²

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

¹ Came into operation 2 October 1981: *Gaz.* 2 October 1981, p. 1139.

² Came into operation 18 June 1987: *Gaz.* 18 June 1987, p. 1542.

An Act to provide for the vesting of title to certain lands in the people known as Anangu Pitjantjatjara; and for other purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Pitjantjatjara Land Rights Act, 1981*.

Commencement

2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) The Governor may, in a proclamation made for the purposes of subsection (1), suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Arrangement of Act

3. This Act is arranged as follows:

PART I—PRELIMINARY
PART II—ANANGU PITJANTJATJARA
PART IV—DISPUTES
PART V—MISCELLANEOUS

Interpretation

4. In this Act, unless the contrary intention appears—

"Anangu Pitjantjatjara" means the body corporate constituted under that name by this Act:

"the constitution" means the constitution of Anangu Pitjantjatjara for the time being in force under this Act:

"the Executive Board" means—

(a) the Executive Board of Anangu Pitjantjatjara constituted under this Act;

or

(b) during a period prior to the constitution of that Board—the Pitjantjatjara Council:

"the lands" means the lands described in the first schedule to this Act:

"mining operations" means operations authorized by or under the *Mining Act, 1971-1978*, or the *Petroleum Act, 1940-1978*:

3.

"mining tenement" means a right, permit, claim, lease or licence under the *Mining Act, 1971-1978*, or the *Petroleum Act, 1940-1978*:

"Mintabie resident" means a person who—

(a) is entitled to enter and remain on the Mintabie precious stones field under Division IV of Part III;

and

(b) resides or proposes to reside on the field:

"petrol" includes any volatile liquid containing hydrocarbons:

"Pitjantjatjara" means a person who is—

(a) a member of the Pitjantjatjara, Yungkutatjara or Ngaanattjara people;

and

(b) a traditional owner of the lands, or a part of them:

"road works" means the construction, re-construction or repair of a road, or of related works:

"traditional owner" in relation to the lands means an Aboriginal person who has, in accordance with Aboriginal tradition, social, economic and spiritual affiliations with, and responsibilities for, the lands or any part of them.

PART II

ANANGU PITJANTJATJARA

DIVISION I—CONSTITUTION OF ANANGU PITJANTJATJARA
AS BODY CORPORATE

Constitution of Anangu Pitjantjatjara as body corporate

5. (1) There shall be a body corporate entitled "Anangu Pitjantjatjara".

(2) All Pitjantjatjaras are members of Anangu Pitjantjatjara.

(3) Anangu Pitjantjatjara shall have a common seal.

(4) In any legal proceedings, an apparently genuine document purporting to bear the common seal of Anangu Pitjantjatjara and the signatures of five members of the Executive Board attesting the affixation of the seal, shall be presumed, in the absence of proof to the contrary, to have been duly executed by Anangu Pitjantjatjara.

DIVISION II—POWERS AND FUNCTIONS OF ANANGU PITJANTJATJARA

Powers and functions of Anangu Pitjantjatjara

6. (1) The functions of Anangu Pitjantjatjara are as follows:

- (a) to ascertain the wishes and opinions of traditional owners in relation to the management, use and control of the lands and to seek, where practicable, to give effect to those wishes and opinions;
- (b) to protect the interests of traditional owners in relation to the management, use and control of the lands;
- (c) to negotiate with persons desiring to use, occupy or gain access to any part of the lands;

and

(d) to administer land vested in Anangu Pitjantjatjara.

(2) Anangu Pitjantjatjara has the following powers:

- (a) the power to sue and be sued;
- (b) the power—
 - (i) to grant a lease or licence, for any period it thinks fit, in respect of any part of the lands (being a part of the lands vested in Anangu Pitjantjatjara) to a Pitjantjatjara or an organization comprised of Pitjantjatjaras;
 - (ii) to grant a lease or licence, for a period not exceeding fifty years, in respect of any part of the lands (being a part of the lands vested in Anangu Pitjantjatjara) to an agency or instrumentality of the Crown;

5.

- (iii) to grant a lease or licence, for a period not exceeding five years, in respect of any part of the lands (being a part of the lands vested in Anangu Pitjantjatjara) to any other person or body of persons;
 - (c) the power to acquire by agreement, hold, deal in, or dispose of, land outside the lands;
 - (d) the power to enter into contracts;
 - (e) the power to appoint and dismiss staff;
 - (f) the power to receive and disburse moneys;
 - (g) the power to obtain advice from persons who are expert in matters with which Anangu Pitjantjatjara is concerned;
 - (h) the power to establish offices;
 - (i) the power to make a constitution relating to—
 - (i) the conduct of meetings of Anangu Pitjantjatjara;
 - (ii) the procedures to be followed in resolving disputes;and
 - (iii) any other matter that may be necessary or expedient in relation to the conduct or administration of the affairs of Anangu Pitjantjatjara;
- and
- (j) the power to take such other steps as may be necessary or expedient for, or incidental to, the performance of its functions.

Requirement of consultation

7. Anangu Pitjantjatjara shall, before carrying out or authorizing or permitting the carrying out of any proposal relating to the administration, development or use of any portion of the lands, have regard to the interests of, and consult with, traditional owners having a particular interest in that portion of the lands, or otherwise affected by the proposal, and shall not carry out the proposal, or authorize or permit it to be carried out, unless satisfied that those traditional owners—

- (a) understand the nature and purpose of the proposal;
 - (b) have had the opportunity to express their views to Anangu Pitjantjatjara;
- and
- (c) consent to the proposal.

DIVISION III—GENERAL MEETINGS OF ANANGU PITJANTJATJARA

Annual general meetings and special general meetings

8. (1) There shall be an annual general meeting of Anangu Pitjantjatjara once in every calendar year.

(2) The first annual general meeting of Anangu Pitjantjatjara shall be held not more than three months after the commencement of this Act.

(3) An annual general meeting of Anangu Pitjantjatjara shall be held not more than fifteen months after the last preceding annual general meeting.

(4) A special general meeting of Anangu Pitjantjatjara shall be held if not less than ten members of Anangu Pitjantjatjara make a request to the Executive Board for the holding of such a meeting.

DIVISION IV—THE EXECUTIVE BOARD OF ANANGU PITJANTJATJARA

Constitution of the Executive Board of Anangu Pitjantjatjara

9. (1) There shall be an Executive Board of Anangu Pitjantjatjara.

(2) The Executive Board shall consist of—

(a) a chairman;

and

(b) ten other members,

elected at an annual general meeting of Anangu Pitjantjatjara.

(3) A person is not eligible for election as a member of the Executive Board unless he is a Pitjantjatjara.

(4) A member of the Executive Board shall, subject to the constitution, hold office from the date of his election until the next annual general meeting of Anangu Pitjantjatjara but shall then, subject to the constitution, be eligible for re-election.

(5) Where a casual vacancy occurs in the office of a member of the Executive Board, the Executive Board may appoint a suitable Pitjantjatjara to fill the vacancy, and the person so appointed shall, subject to the constitution, hold office until the next annual general meeting of Anangu Pitjantjatjara.

(6) Until the first annual general meeting of Anangu Pitjantjatjara, the body presently known as the Pitjantjatjara Council shall perform the functions and duties of the Executive Board.

Procedure of the Executive Board

10. (1) The Executive Board shall meet for the transaction of business at least once in every two months.

(2) Five members of the Executive Board shall constitute a quorum of the Executive Board.

(3) The Chairman shall preside at any meeting of the Executive Board at which he is present and, in the absence of the Chairman, the members present shall elect one of their number to preside at that meeting.

(4) A decision agreed to by a majority of the members present at a meeting of the Executive Board (being a majority comprising not fewer than four members of the Executive Board) shall be a decision of the Executive Board.

(5) No act or proceeding of the Executive Board is invalid by reason only of a vacancy in the office of a member of the Executive Board.

Functions of the Executive Board

11. (1) The Executive Board shall carry out the resolutions of Anangu Pitjantjatjara.

(2) The Executive Board shall act in conformity with the resolutions of Anangu Pitjantjatjara and no act of the Executive Board, done otherwise than in accordance with a resolution of Anangu Pitjantjatjara, is binding on Anangu Pitjantjatjara.

Evidentiary provision

12. An apparently genuine document purporting—

(a) to be under the common seal of Anangu Pitjantjatjara;

(b) to be signed by five or more members of the Executive Board;

and

(c) to certify that a specified act of the Executive Board has been done in conformity with a resolution of Anangu Pitjantjatjara and the provisions of this Act,

shall be conclusive proof that that act is valid and binding upon Anangu Pitjantjatjara.

Accounts and audit

13. (1) The Executive Board shall cause proper accounts to be kept of the financial affairs of Anangu Pitjantjatjara.

(2) The Executive Board—

(a) shall cause the accounts of Anangu Pitjantjatjara for each financial year to be audited by an auditor registered under the *Companies Act, 1962-1980*;

and

(b) shall, within twenty-eight days after completion of the audit, lodge copies of the audited accounts with the Corporate Affairs Commission.

DIVISION V—THE APPROVED CONSTITUTION

The approved constitution of Anangu Pitjantjatjara

14. (1) Subject to this Act the proceedings of Anangu Pitjantjatjara and the administration of its affairs shall be governed by a constitution determined upon by Anangu Pitjantjatjara and approved by the Corporate Affairs Commission.

(2) The constitution must be submitted to the Corporate Affairs Commission for its approval within twelve months after the commencement of this Act.

(3) Anangu Pitjantjatjara may at any time propose an alteration to its approved constitution and, upon approval of the proposed alteration by the Corporate Affairs Commission, the alteration shall come into effect.

(4) A constitution or alteration submitted for the approval of the Corporate Affairs Commission under this section shall be approved if it conforms with this Act and the law of the State.

(5) The constitution must specify the address of an office within thirty kilometres of the General Post Office at Adelaide at which legal process, notices and other documents may be served upon Anangu Pitjantjatjara or the Executive Board.

PART III

THE LANDS

DIVISION I—VESTING OF THE LANDS IN ANANGU PITJANTJATJARA

The Governor may grant certain land, in fee simple, to Anangu Pitjantjatjara

15. (1) The Governor may issue a land grant, in fee simple, of the whole or any part of the lands to Anangu Pitjantjatjara.

(2) The Governor shall not exercise his powers under subsection (1) in relation to land (not being land comprised in Granite Downs Station) unless all persons with a legal or equitable estate or interest in the land have surrendered, or agreed to surrender, their respective interests.

(3) Where the Governor exercises his powers under subsection (1) to grant land comprised in Granite Downs Station to Anangu Pitjantjatjara, the following provisions shall apply:

- (a) any pastoral lease then in force in relation to that land shall, subject to its terms and the provisions of the *Pastoral Act, 1936-1980*, continue in force as if Anangu Pitjantjatjara had leased the land to the Crown and the Crown had sub-leased it to the lessee;
- (b) upon surrender or expiration of the lease, the lease shall not be renewed, and the land shall not be re-let by the Crown;
- (c) the lessee shall be entitled to compensation from the Crown for diminution in the value of the lease resulting from the operation of paragraph (b) (but compensation to which the lessee is entitled under this paragraph shall be calculated as if the land were unimproved);

and

- (d) the lessee shall, upon surrender or expiration of the lease, be entitled to compensation from Anangu Pitjantjatjara for the improvements upon the land determined as if the land had remained pastoral lands and had been re-let under the *Pastoral Act, 1936-1980*, to Anangu Pitjantjatjara on the date of the surrender or expiry of the lease.

(4) The compensation payable under subsection (3)(c) or (d) shall be determined by agreement, or in default of agreement, by the Land and Valuation Court.

Special provisions in relation to the land grant

16. (1) A land grant issued under this Division shall be expressed in the English language and in the Pitjantjatjara language, but the interpretation of the land grant shall be governed by those portions of the land grant that are expressed in the English language.

(2) If, in the opinion of the Surveyor-General, a land grant issued under this Division erroneously or imperfectly defines the land to which it was intended to apply, the Surveyor-General may submit to the Minister of Lands a proposal to amend the land grant for the purpose of correcting the error, or defining the land with greater precision.

(3) If, in the opinion of the Minister of Lands, the proposal of the Surveyor-General should be carried into effect, he may direct the Registrar-General to amend the land grant in accordance with the proposal.

Inalienability of land vested in Anangu Pitjantjatjara in pursuance of this Part

17. Subject to this Act, where land has vested in Anangu Pitjantjatjara in pursuance of this Part, no estate or interest in the land—

(a) may be alienated from Anangu Pitjantjatjara;

or

(b) may be compulsorily acquired, resumed or forfeited under the law of this State.

DIVISION II—ENTRY TO THE LANDS

Rights of Pitjantjatjaras with respect to lands

18. All Pitjantjatjaras have unrestricted rights of access to the lands.

Unauthorized entry on the lands

19. (1) A person (not being a Pitjantjatjara) who enters the lands without the permission of Anangu Pitjantjatjara is guilty of an offence and liable to a penalty not exceeding the maximum prescribed by subsection (2).

(2) The maximum penalty for an offence against subsection (1) is—

(a) where the offence was committed intentionally—a fine of two thousand dollars plus five hundred dollars for each day during which the convicted person remained on the land after the unlawful entry;

or

(b) in any other case—a fine of two hundred dollars.

(3) An application for permission to enter the lands—

(a) may be made by an applicant on the applicant's own behalf, or on behalf of a group of persons;

and

(b) must, unless the Executive Board otherwise allows—

(i) be in writing and lodged with the Executive Board;

and

(ii) set out—

(A) the purpose for which entry to the lands is sought;

11.

(B) the period for which entry to the land is sought;

and

(C) the time and place at which the applicant, or the group on whose behalf the application is made, seeks to enter the lands.

(4) The applicant shall, at the request of Anangu Pitjantjatjara, furnish such further information as it may reasonably require to determine the application.

(5) Upon an application under this section, Anangu Pitjantjatjara may, by instrument in writing—

(a) grant permission to enter the lands unconditionally;

(b) grant permission to enter the lands subject to such conditions as it thinks fit;

or

(c) refuse permission to enter the lands.

(5a) Where a group of persons is permitted to enter the lands, each member of the group is bound by the conditions (if any) subject to which the permission was granted.

(5b) A person who contravenes or fails to comply with a condition on which the person, or a group of which the person is a member, was granted permission to enter the lands is guilty of an offence and liable to a penalty not exceeding the maximum prescribed by subsection (5c).

(5c) The maximum penalty for an offence against subsection (5b) is a fine of \$2 000 plus \$500 for each day (if any) during which the convicted person was on the lands, or a particular part of the lands, in contravention of the condition.

(6) Anangu Pitjantjatjara may, upon such conditions as it thinks fit, delegate any of its powers under subsection (5) to any group of Pitjantjatjaras.

(7) A delegation under subsection (6) is revocable at will and does not derogate from the power of Anangu Pitjantjatjara to act itself in any matter.

(8) This section does not apply to—

(a) a police officer acting in the course of carrying out his official duties;

(b) any other officer appointed pursuant to statute acting in the course of carrying out his official duties;

(c) a person acting upon the written authority of the Minister of Aboriginal Affairs, who enters the lands for the purpose of carrying out functions that have been assigned to a Minister or instrumentality of the Crown or a department of government;

- (d) a member of the Parliament of the State or the Commonwealth, a person who is genuinely a candidate for election as a member of the Parliament of the State or the Commonwealth, or a person who is accompanying and genuinely assisting any such member or candidate;
 - (e) entry upon the lands in case of emergency;
- or
- (f) entry upon the lands in pursuance of Division III, Division IV or Division VI of this Part.

(9) Where a person proposes to enter the lands in pursuance of subsection (8)(b), (c) or (d) reasonable notice of the time, place and purpose of the proposed entry must be given to Anangu Pitjantjatjara.

(9a) A person who, being entitled to enter upon part only of the lands in pursuance of Division III, Division IV or Division VI of this Part, enters upon some other part of the lands without the permission of Anangu Pitjantjatjara acts in contravention of subsection (1).

(10) If Anangu Pitjantjatjara, by notice in writing to the Minister of Aboriginal Affairs, objects to an authorized person entering or remaining upon the lands, the Minister shall revoke or modify the authorization in order to give effect to the objection unless he is satisfied that there are sufficient reasons why the authorization should continue notwithstanding the objection.

(11) Where a pastoral lease remains in force in relation to any part of the lands, the holder of the lease, any member of his family, any employee or member of an employee's family, and any other person authorized in writing by the lessee, may, without the permission of Anangu Pitjantjatjara, enter land comprised in the lease.

(12) Where an authorization is granted by a lessee under subsection (11), notice in writing of the authorization shall be given by the lessee to Anangu Pitjantjatjara within one month after the authorization was granted.

DIVISION III—MINING OPERATIONS ON THE LANDS

Mining operations on the lands

20. (1) Notwithstanding the provisions of any other Act, a person who, without permission under this section—

- (a) carries out mining operations upon the lands;
- or
- (b) enters the lands for the purpose of carrying out mining operations,

shall be guilty of an offence and liable to a penalty not exceeding the maximum prescribed by subsection (2).

(2) The maximum penalty for an offence against subsection (1) is a fine of ten thousand dollars plus one thousand dollars for each day during which the convicted person—

13.

(a) carried out unlawful mining operations on the lands;

or

(b) remained on the lands after the unlawful entry.

(2a) A person who, having permission to carry out mining operations upon part only of the lands, carries out mining operations on some other part of the lands without the permission of Anangu Pitjantjatjara acts in contravention of subsection (1)(a).

(3) An application for permission to carry out mining operations upon the lands—

(a) may be made only by a person who has applied for a mining tenement in respect of the lands or a part of the lands and has been notified by the Minister of Mines and Energy that he approves the making of an application under this section;

(b) must be in writing and lodged with the Executive Board;

and

(c) must contain, or be accompanied by, all information submitted by the applicant to the Minister of Mines and Energy in support of his application for a mining tenement.

(4) The applicant shall, at the request of Anangu Pitjantjatjara, furnish in writing such further information as it may reasonably require to determine the application.

(5) The applicant shall, as soon as practicable after making his application, or furnishing information under subsection (4), send to the Minister of Mines and Energy a copy of the application or of the document by which the information was furnished.

(6) Upon an application under this section, Anangu Pitjantjatjara may—

(a) grant its permission unconditionally;

(b) grant its permission subject to such conditions (which must be consistent with the provisions of this Act) as it thinks fit;

or

(c) refuse its permission.

(7) Anangu Pitjantjatjara shall, upon deciding an application under this section, notify the applicant, in writing, of its decision and the applicant shall, within seven days after receiving that notification, furnish the Minister of Mines and Energy with a copy of the notification.

(7a) The reasonable costs and expenses incurred by Anangu Pitjantjatjara in dealing with an application under this section may be recovered from the applicant as a debt.

(7b) Any payment made in satisfaction of a liability arising under subsection (7a) shall, if the application is subsequently determined in favour of the applicant but on condition that compensation be paid to Anangu Pitjantjatjara, be regarded as a payment made on account of that compensation.

(8) Where—

(a) Anangu Pitjantjatjara refuses its permission under this section or grants its permission but subject to conditions that are unacceptable to the applicant;

or

(b) the applicant has not, at the expiration of one hundred and twenty days from the date of the application, received notice of a decision by Anangu Pitjantjatjara upon the application,

the applicant may request the Minister of Mines and Energy to refer the application to an arbitrator.

(9) If the Minister of Mines and Energy receives a request under subsection (8), the application shall be referred to an arbitrator appointed by the Minister of Mines and Energy.

(10) At least twenty-one days before an arbitrator is appointed under subsection (9), the Minister of Mines and Energy must inform Anangu Pitjantjatjara of whom he proposes to appoint and he must consider any representations of Anangu Pitjantjatjara in relation to the proposed appointment.

(11) The arbitrator must be a judge of the High Court, the Federal Court of Australia, or the Supreme Court of a State or Territory of Australia.

(12) The arbitrator—

(a) shall have the powers of a commission of inquiry under the *Royal Commissions Act*;

and

(b) may state a case for the opinion of the Supreme Court on a question of law.

(13) A case stated under subsection (12) shall be heard and determined by the Full Court.

(14) After hearing such evidence and submissions as—

(a) Anangu Pitjantjatjara;

(b) the applicant;

(c) the Minister of Mines and Energy;

and

(d) the Minister of Aboriginal Affairs,

may desire to make to him, and such other evidence and submissions as he thinks fit to receive, the arbitrator may—

(e) affirm, vary or reverse the decision of Anangu Pitjantjatjara;

or

(f) where no decision has been made by Anangu Pitjantjatjara upon the application—determine the application as the arbitrator thinks fit.

(14a) The arbitrator may, if the arbitrator thinks fit, award against the applicant and in favour of Anangu Pitjantjatjara an amount that represents, in the arbitrator's opinion, the reasonable costs and expenses incurred by Anangu Pitjantjatjara in relation to the arbitration.

(14b) An amount awarded under subsection (14a) may be recovered by Anangu Pitjantjatjara as a debt.

(15) In arriving at his determination, the arbitrator shall have regard to—

(a) the effect of the grant of the mining tenement upon—

(i) the preservation and protection of Pitjantjatjara ways-of-life, culture and tradition;

(ii) the interests, proposals, opinions and wishes of the Pitjantjatjara people in relation to the management, use and control of the lands;

(iii) the growth and development of Pitjantjatjara social, cultural and economic structures;

(iv) freedom of access by Pitjantjatjaras to the lands and their freedom to carry out on the lands rites, ceremonies and other activities in accordance with Pitjantjatjara traditions;

(b) the suitability of the applicant to carry out the proposed mining operations and his capacity, in carrying out those operations, to minimize disturbance to the Pitjantjatjara people and the lands;

(c) the preservation of the natural environment;

and

(d) the economic and other significance of the operations to the State and Australia.

(16) The arbitrator shall hear and determine the arbitration as expeditiously as possible.

(17) A determination under this section is binding upon Anangu Pitjantjatjara, the applicant and the Crown.

(18) The *Arbitration Act, 1891-1974*, does not apply to an arbitration under this section.

(19) This section does not apply in relation to prospecting or mining for precious stones on the Mintabie precious stones field.

(20) Where a person applies under this section for permission to prospect and mine for precious stones, and the proposed mining operations are to be carried out within a prescribed area, no compensation, or other consideration, shall be paid or given to Anangu Pitjantjatjara under or in respect of a permission granted under this section.

(21) No regulation prescribing an area for the purposes of subsection (20) shall be made unless—

(a) the area to be prescribed has been delineated or otherwise identified by plan, photograph or other document;

and

(b) the plan, photograph or other document has been deposited in the General Registry Office by the Minister of Mines and Energy with the consent of Anangu Pitjantjatjara,

and any such regulation may be made by reference to a plan, photograph or other document so deposited.

Interaction of this Act and Mining and Petroleum Acts

21. (1) Where prospecting or mining is permitted upon the lands in pursuance of this Division, the person in whose favour the permission was granted and his agents, contractors and employees may, subject to the conditions (if any) upon which the permission was granted, and to the provisions of the *Mining Act, 1971-1978*, or the *Petroleum Act, 1940-1978*, as the case may require (but without requiring any further permission or authority to enter the lands under the provisions of either of those Acts), enter the lands for the purpose of prospecting or mining.

(2) A mining tenement shall not be granted in respect of the lands or a part of the lands except to a person who has permission to carry out mining operations on the lands under this Division, but this Act does not prevent the taking of any step under the *Mining Act* or the *Petroleum Act* antecedent to the grant of a mining tenement.

(3) Before a mining tenement is granted in pursuance of the *Mining Act* or the *Petroleum Act* in relation to the lands or a part of the lands, the Minister administering the relevant Act shall afford Anangu Pitjantjatjara a reasonable opportunity to make submissions relating to the conditions subject to which the tenement should be granted.

(4) If a person—

(a) makes a payment or gives other consideration in contravention of section 23;

or

(b) in relation to—

17.

(i) obtaining the permission of Anangu Pitjantjatjara for the carrying out of mining operations on the lands;

or

(ii) the carrying out or proposed carrying out of mining operations on the lands,

makes a payment, or gives some other consideration, to Anangu Pitjantjatjara (not being a payment or consideration otherwise permitted or provided for in this Act) otherwise than in conformity with—

(iii) conditions imposed by Anangu Pitjantjatjara under this Division in granting its permission for the carrying out of the mining operations;

(iv) conditions determined or approved by an arbitrator under this Division;

or

(v) an agreement of which the Minister of Mines and Energy has been notified under this Division,

then—

(c) the amount of the payment, or the value of the consideration, is recoverable as a debt due to the Crown;

and

(d) (i) no mining tenement in respect of the lands will be granted to the person and the person is precluded from applying for another mining tenement in respect of the lands for the period of three years;

and

(ii) if a mining tenement in respect of the lands is held by the person, that tenement is cancelled.

* * * * *

Royalty

22. (1) Royalty paid in respect of minerals recovered from the lands shall be paid into a separate fund maintained by the Minister of Mines and Energy.

(2) Subject to subsection (3), the royalty shall be applied as follows:

(a) one-third shall be paid to Anangu Pitjantjatjara;

(b) one-third shall be paid to the Minister of Aboriginal Affairs to be applied towards the health, welfare and advancement of the Aboriginal inhabitants of the State generally;

and

(c) one-third shall be paid into the General Revenue of the State.

(3) If the income of the fund maintained under subsection (1) exceeds in any financial year the prescribed limit, the excess shall be paid in full into the General Revenue of the State.

(4) No moneys shall be paid out of the fund maintained under subsection (1) unless a regulation is in force prescribing a limit for the purposes of subsection (3).

(5) In this section—

"royalty" means royalty payable under the *Mining Act, 1971-1978*, or the *Petroleum Act, 1940-1978*.

Offence in relation to obtaining permission to carry out mining operations

23. (1) A person who, without the consent of the Minister of Mines and Energy, gives, offers, or agrees to give a payment or other consideration to another person (not being a payment or consideration otherwise permitted or provided for in this Act) in connection with obtaining the permission of Anangu Pitjantjatjara to carry out mining operations upon the lands shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

(2) Where a body corporate commits an offence against subsection (1), each director of the body corporate shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars unless he proves that he could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate.

Certain payments or other consideration to Anangu Pitjantjatjara must represent fair compensation

24. (1) This section applies to payments made, or to be made, or consideration given, or to be given, to Anangu Pitjantjatjara (not being a payment of royalty under section 22) in respect of the carrying out or proposed carrying out of mining operations on the lands.

(2) A payment or consideration to which this section applies must be reasonably proportioned to the disturbance to the lands, the Pitjantjatjara people, and their ways-of-life, that has resulted or is likely to result from the grant of the relevant mining tenement.

(3) A person who makes or gives, or agrees to make or give, a payment or consideration to which this section applies shall, within fourteen days of the date of making or giving the payment or consideration, or entering into the agreement, notify the Minister of Mines and Energy of the amount or value of the payment or consideration, or of the terms of the agreement.

Penalty: Two thousand dollars.

DIVISION IV—THE MINTABIE PRECIOUS STONES FIELD

Special provisions relating to the Mintabie precious stones field

25. (1) A person is not entitled to enter or remain upon the Mintabie precious stones field unless—

(a) he has permission under this Act to be upon that field;

or

- (b) he is a member of a class of persons who are, under subsection (2), entitled to enter and remain on the field without permission under this Act.

(2) Subject to this section, persons of the following classes are entitled to enter and remain on the Mintabie precious stones field without permission under this Act—

- (a) persons who hold precious stones prospecting permits;
- (b) persons carrying on a lawful business at an established place of business upon the field;
- (c) the lawful or *de facto* spouse, or parent or child, of a person who is entitled to be on the field under paragraph (a) or (b);
- (d) persons whose purpose in entering, or being on, the field is to transact lawful business with persons referred to in paragraph (a), (b) or (c), being business that cannot reasonably be transacted from a place outside the lands.

(3) A person who is entitled under subsection (2) to enter and remain on the field is entitled, without permission under this Act, to use roads that provide access to the field for the purpose of entering and leaving the field.

(4) Where a person carries on, or proposes to carry on, a business of a kind referred to in subsection (2)(b), and the business is not such that a licence, permit or other authorization is required under the law of the State in respect of that business, he shall notify the designated officer in writing of the nature of the business and of the place at which it is being or is to be carried on.

Penalty: Five hundred dollars.

(5) Subject to subsection (6), a person who proposes to enter the field under subsection (2)(d) shall, before doing so, give notice, in the prescribed form, to the designated officer.

Penalty: Five hundred dollars.

(6) A person is not required to give notice under subsection (5) where he has been invited to the field by a person referred to in subsection (2)(a), (b) or (c) and that person has given the prescribed notice to the designated officer.

(7) The designated officer shall maintain a list of notices given under this section.

(8) The list shall be open for inspection by any member of the public.

(9) In this section—

"the designated officer" means the person to whom the Minister of Mines and Energy assigns the functions of designated officer under this section.

The Mintabie Consultative Committee

26. (1) There shall be a committee entitled the "Mintabie Consultative Committee".

(2) The Committee shall at the request of the Minister of Mines and Energy, and may of its own motion, tender advice to the Minister of Mines and Energy on matters related to the administration of the Mintabie precious stones field.

(3) The Committee shall consist of the following members:

- (a) two Pitjantjatjaras nominated by Anangu Pitjantjatjara and appointed by the Governor;
- (b) a member of the Police Force nominated by the Commissioner of Police and appointed by the Governor;
- (c) a person nominated by the Minister of Mines and Energy and appointed by the Governor;

and

- (d) a person nominated by the Mintabie Progress Association and appointed by the Governor.

(4) The Governor shall appoint one of the members nominated by Anangu Pitjantjatjara to be chairman of the Committee.

(5) The members of the Committee shall hold office at the pleasure of the Governor.

(6) The Pitjantjatjara members of the Committee are entitled to be accompanied at meetings of the Committee by advisers and interpreters.

(7) A member of the Committee may appoint a person to act as his deputy, and a person so appointed may, in the absence of that member, act in his place at a meeting of the Committee.

(8) Subject to this section and the regulations, the procedures for convening meetings of the Committee and transacting its business shall be as determined by the Committee.

(9) A decision carried by a majority of the votes cast by the members present at a meeting of the Committee shall be a decision of the Committee.

(10) Each member present at a meeting of the Committee shall have one vote on any matter arising for decision at that meeting and, in the event of an equality of votes, the chairman shall have a second, or casting, vote.

Exclusion of certain persons from the field

27. (1) A court of summary jurisdiction may upon the application of the Committee or of Anangu Pitjantjatjara, make an order prohibiting a person from entering or remaining on the Mintabie precious stones field.

(2) An order shall not be made against a person under subsection (1) unless the person against whom the order is sought—

- (a) has, after the commencement of this Act, been convicted of—
 - (i) an offence involving violence or a breach of the peace;

21.

- (ii) an offence of a sexual nature;
 - (iii) an offence involving the unlawful sale of a motor vehicle;
 - (iv) larceny;
 - (v) an offence involving the unlawful sale of liquor;
- or
- (vi) an offence involving wilful interference with an Aboriginal sacred site;

or

(b) has acted in a manner prejudicial to—

- (i) the welfare of an Aboriginal individual or group;

or

- (ii) the welfare of those who are lawfully on the field in pursuance of this Division.

(3) A person in respect of whom an order is in force under subsection (1) who enters or remains on the field in contravention of the order shall be guilty of an offence and liable to a penalty not exceeding ten thousand dollars or imprisonment for two years.

(4) A court of summary jurisdiction may, upon the application of a person against whom an order has been made under this section, revoke the order, but it shall not do so unless it has first allowed the Committee and Anangu Pitjantjatjara a reasonable opportunity to be heard upon the matter.

Annual licences and incidental rights for Mintabie residents

28. (1) The defined area shall be deemed to have been leased by Anangu Pitjantjatjara to the Crown for a term of twenty-one years commencing on the date of commencement of this Act.

(2) The Minister of Lands may, upon the application of a Mintabie resident, issue or renew an annual licence entitling him, subject to the terms and conditions of the licence, to occupy land within the defined area, but no such licence shall operate after the expiration of the period referred to in subsection (1).

(3) The annual rental payable under a licence issued under subsection (2) shall be twenty dollars or such other amount as may be determined by the Minister of Lands, and in determining any such annual rental he shall have regard to, and generally follow, the rates of rental fixed by the Crown in respect of annual licences issued in comparable situations.

(4) Once in each year, the Minister of Lands shall pay to Anangu Pitjantjatjara all amounts collected during the preceding period of twelve months by way of annual rental under licences issued in pursuance of this section.

(5) The Minister of Lands shall not issue a licence under this section to a person who is, by order of a court, prohibited from entering or remaining on the Mintabie precious stones field, and, if such an order is made against a licensee, the Minister shall revoke his licence.

(6) A annual licence issued under this section is not transferable nor may any of the rights conferred by the licence be assigned.

(7) The Minister of Lands shall, as soon as practicable after issuing a licence under this section, notify Anangu Pitjantjatjara of—

(a) the name of the licensee;

and

(b) the land to which the licence relates.

(8) A Mintabie resident shall be entitled, without permission under this Act, to use and maintain the airfield adjacent to the defined area as an airfield, and to have such access to the lands as is reasonably necessary for the purpose.

(9) A Mintabie resident shall be entitled, without permission under this Act:—

(a) to use and maintain the bore and water distribution system by which water is provided on the Mintabie precious stones field;

and

(b) to drill a further bore or bores (either in addition to or in substitution for the present bore) on a site to be agreed with Anangu Pitjantjatjara (which agreement shall not be unreasonably or capriciously withheld) and to install and maintain such pumps, pipes and other equipment as may be necessary to connect it to the water distribution system, and to have such access to the lands as is necessary for those purposes.

(10) In this section—

"the defined area" means section 1291 Out of Hundreds (Everard).

(11) This section shall cease to operate in the event of the Mintabie precious stones field ceasing to be a precious stones field for the purposes of the *Mining Act, 1971-1978*.

Interaction of this Division and the Mining Act

29. (1) Subject to subsection (2), this Division does not derogate from the provisions of the *Mining Act, 1971-1978*.

(2) Notwithstanding the provisions of the *Mining Act, 1971-1978*, the consent of Anangu Pitjantjatjara is not required to the pegging out of a precious stones claim on the Mintabie precious stones field.

DIVISION V—RIGHT OF THE CROWN TO CONTINUE IN OCCUPATION
OF CERTAIN PARTS OF THE LANDS

Right of the Crown to continue its occupation of certain land

30. Where before the commencement of this Act the Crown occupied a part of the lands for purposes connected with the health, education, welfare or advancement of the Pitjantjatjara people, the Crown may continue to occupy that part of the lands, for a period of up to fifty years, for the same or similar purposes and without payment of rent or compensation to Anangu Pitjantjatjara.

DIVISION VI—CONSTRUCTION OF ROADS BY THE COMMISSIONER
OF HIGHWAYS

Consent of Anangu Pitjantjatjara required for road works

31. (1) The Commissioner of Highways may carry out road works upon the lands with the consent of Anangu Pitjantjatjara.

(2) The consent of Anangu Pitjantjatjara may be given subject to such conditions as Anangu Pitjantjatjara thinks fit.

(3) Anangu Pitjantjatjara shall not withhold its consent to the construction or re-construction of a road referred to in the second schedule, but this subsection does not prejudice the right of Anangu Pitjantjatjara to negotiate conditions affecting the location of the road, the road works, or ancillary or associated works.

Proposals to carry out road works and arbitration of disputes

32. (1) Where the Commissioner of Highways desires to carry out road works on the lands, he shall submit to Anangu Pitjantjatjara proposals containing—

- (a) a plan describing the land on which the road works are to be carried out;
- (b) a description of all ancillary or associated works that are to be carried out and of the areas in which those ancillary or associated works are to be carried out;
- (c) a description of the access roads to be used for the purpose of the road works, or the ancillary or associated works;
- (d) a general description of the areas in which gravel or stone is to be quarried for the purpose of the road works;

and

- (e) such other information as Anangu Pitjantjatjara may reasonably require.

(2) If the Commissioner and Anangu Pitjantjatjara are unable to agree on the proposals, or on some modified form of the proposals, the Commissioner may submit the differences to arbitration.

(3) The arbitrator shall be the arbitrator appointed in pursuance of section 20.

(4) The arbitrator is empowered to determine any matter in dispute and his determination shall be binding on the Commissioner and on Anangu Pitjantjatjara.

(5) No compensation is payable to Anangu Pitjantjatjara in respect of loss or damage arising from road works where those road works are carried out in relation to the roads referred to in the second schedule and in accordance with conditions agreed by Anangu Pitjantjatjara and the Commissioner, or determined by the arbitrator.

(6) For the purposes of this section, the document entitled "Proposal for the Establishment of a Road Construction Corridor and the Construction of the new Stuart Highway" executed by the Commissioner of Highways and the Pitjantjatjara Council Incorporated, deposited in the General Registry Office and numbered 2293 of 1980, shall be deemed to constitute proposals agreed upon by Anangu Pitjantjatjara and the Commissioner.

Road reserves

33. (1) The area comprised within one hundred metres to each side of the centre line of the roads referred to in the second schedule (the centre line being ascertained by reference to the road as constructed) constitutes a road reserve.

(2) The Commissioner of Highways is entitled to unrestricted use of a road reserve for purposes related to road works.

(3) A member of the public shall be entitled to free and unrestricted access to any of the roads referred to in the second schedule and to land comprised in a road reserve.

Consent not required for maintenance or repair of roads referred to in second schedule

34. The provisions of sections 31 and 32 shall not apply to the maintenance or repair (being maintenance or repair not involving re-alignment) of a road referred to in the second schedule provided that materials used in the course of the maintenance or repair of the road are not taken from any part of the lands that lies outside the road reserve.

PART IV

DISPUTES

Tribal assessor

35. (1) There shall be a tribal assessor.

(2) The tribal assessor shall be appointed by the Minister of Aboriginal Affairs with the approval of Anangu Pitjantjatjara.

(3) The terms and conditions upon which the tribal assessor holds office shall be determined by the Minister after considering the advice of the Public Service Board.

Disputes

36. (1) Any Pitjantjatjara who is aggrieved by a decision or action of Anangu Pitjantjatjara, or any of its members, may appeal to the tribal assessor against that decision or action.

(2) The tribal assessor—

(a) shall hear the appeal at some suitable place upon the lands;

and

(b) shall conduct the hearing as expeditiously as possible and without undue formality.

(3) The tribal assessor is not bound by the rules of evidence in proceedings under this section, but may inform himself in such manner as he thinks fit.

(4) In proceedings under this section, the tribal assessor should observe, and where appropriate give effect to, the customs and traditions of the Pitjantjatjara people.

(5) The tribal assessor may in proceedings under this section—

(a) give such directions as he considers just or expedient to resolve any matters in dispute;

or

(b) refer the matter back to Anangu Pitjantjatjara to be further dealt with in accordance with his directions.

Order compelling compliance with direction of the tribal assessor

37. (1) If a person refuses or fails to comply with a direction of the tribal assessor, any party to the proceedings before the assessor may apply to a local court of full jurisdiction for an order to compel that person to comply with the direction.

(2) Upon an application under this section, the local court shall, unless satisfied that the direction of the tribal assessor is unjust or unreasonable, make an order requiring the person against whom the direction was made to comply with the direction.

(3) Proceedings under this section shall be heard at some suitable place upon the lands, and shall be conducted as expeditiously as possible and without undue formality.

PART V

MISCELLANEOUS

Summary offences

38. Proceedings in respect of offences against this Act shall be disposed of summarily.

Power of court to order compensation in certain cases

39. Where a person is convicted of an offence against this Act or any other Act, and it appears to the court by which that person is convicted that Anangu Pitjantjatjara has suffered damage to its property as a result of the commission of the offence, the court may order the convicted person to pay such compensation to Anangu Pitjantjatjara as the court considers just.

Exemption of lands from land tax

40. No land tax is payable upon the lands.

Financial provision

41. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

Non-application of Outback Areas Community Development Trust Act

42. (1) The *Outback Areas Community Development Trust Act, 1978*, does not apply to the lands.

(2) Notwithstanding subsection (1), the Outback Areas Community Development Trust may expend moneys for the benefit of residents of the Mintabie precious stones field.

Interaction between this Act and certain other Acts and laws

42a. (1) For the purpose of determining whether a particular part of the lands is a public place within the meaning of some other Act or law, any restrictions upon access to the lands or that place arising under this Act shall be disregarded.

(2) A reference in the *Road Traffic Act, 1961*, or the *Motor Vehicles Act, 1959*, to a road extends to any road on the lands.

Depasturing of stock

42b. Any regulations relating to overstocking that apply to holders of pastoral leases under the *Pastoral Act, 1936*, apply in respect of the depasturing of stock upon the lands (other than at the Granite Downs Station) as if Anangu Pitjantjatjara were the holder of a pastoral lease in respect of the lands.

Parliamentary Committee

42c. (1) There will be a Committee to be known as the "Pitjantjatjara Lands Parliamentary Committee".

(2) The duties of the Committee are—

(a) to take an interest in—

(i) the operation of this Act;

(ii) matters that affect the interests of the traditional owners of the lands;

and

(iii) the manner in which the lands are being managed, used and controlled;

(b) to consider any other matter referred to the Committee by the Minister;

and

(c) to provide, on or before the thirty-first day of December in each year, an annual report to Parliament on the work of the Committee during the preceding financial year.

(3) The Committee will consist of the Minister and four Members of the House of Assembly appointed by the Minister (of whom two must be appointed from the group led by the Leader of the Opposition).

(4) The seat of a Member of the Committee becomes vacant if—

(a) the Member dies;

(b) the Member delivers a written notice of resignation to the Minister;

(c) the House of Assembly is dissolved, or a term of that House expires;

(d) the Member is removed from office by resolution of the House of Assembly.

(5) The Minister will preside at a meeting of the Committee but, if the Minister is not able to attend a meeting, a Member of the Committee nominated by the Minister may preside.

(6) Subject to subsection (7), three members constitute a quorum of the Committee.

(7) When the Committee meets for the consideration of a proposed report to Parliament, the quorum must consist of at least four members.

(8) All questions to be decided by the Committee will be decided by a majority of votes of the members present.

(9) The Minister has, in addition to a deliberative vote, a casting vote in the event of an equality of votes.

(10) The Minister may, after consultation with the Speaker of the House of Assembly, appoint an officer of the Parliament as secretary to the Committee and such other officers of the Committee as are required for the performance of its functions.

(11) This section expires on the fifth anniversary of the formation of the Committee unless each House of Parliament resolves, within six months before that fifth anniversary, that the section is to continue in operation.

Petrol

42d. (1) A person shall not be in possession of petrol on the lands for the purpose of inhalation.

Penalty: \$100.

(2) A person shall not sell or supply petrol to another person on the lands if there are reasonable grounds for suspecting that the other person—

(a) intends to use the petrol for the purpose of inhalation;

or

(b) intends to sell or supply the petrol for the purpose of inhalation.

Penalty: \$2 000 or imprisonment for two years.

(3) A member of the police force or a person acting under the authority of a member of the police force may confiscate and dispose of any petrol that he or she reasonably suspects is to be used or has been used for the purpose of inhalation and any container that contains or has contained such petrol.

(4) A person shall not hinder or obstruct the lawful exercise of a power under subsection (3).

Penalty: \$2 000.

(5) The Governor may, by proclamation, fix a date for the expiry of this section.

(6) A proclamation should not be made under subsection (6) unless the Governor is satisfied—

(a) that adequate provision prohibiting the inhalation of petrol on the lands has been made under some other law;

or

(b) that there is no further need for a statutory prohibition against the inhalation of petrol on the lands.

Regulations

43. (1) The Governor may make regulations—

(a) regulating, restricting or prohibiting the depasturing of stock upon any specified part of the lands;

(b) regulating, restricting or prohibiting any activity on the lands that may have adverse environmental consequences;

* * * * *

(e) prescribing other matters contemplated by this Act, or necessary or expedient for the purposes of this Act.

* * * * *

(2) A regulation shall not be made under subsection (1)(b) except upon the recommendation of Anangu Pitjantjatjara.

(3) Anangu Pitjantjatjara may make by-laws—

- (a) regulating, restricting or prohibiting the consumption, possession, sale or supply of alcoholic liquor on the lands;
- (b) prohibiting the inhalation or consumption of any regulated substance on the lands and prohibiting the possession, sale or supply of any regulated substance on the lands for the purpose of inhalation or consumption;
- (c) providing for the confiscation, in circumstances in which a contravention of a by-law under paragraph (a) or (b) is reasonably suspected, of alcoholic liquor or any regulated substance to which the suspected contravention relates;
- (d) providing for the treatment or rehabilitation (or both) of any person affected by the misuse of alcoholic liquor or any regulated substance;
- (e) prohibiting specified forms of gambling on the lands;
- (f) providing for any other matter that is prescribed by the regulations as a matter in relation to which by-laws may be made.

(4) The operation of a by-law is restricted to the lands.

(5) Where Anangu Pitjantjatjara proposes to make, alter or repeal a by-law, it must give reasonable notice in writing of the proposal to the Minister.

(6) A by-law made under this section—

- (a) must be submitted to the Governor for confirmation;

and

- (b) is subject to disallowance by Parliament.

(7) A member of the police force may seize and impound any vehicle reasonably suspected of having been used in connection with the supply of alcoholic liquor to any person on the lands in contravention of a by-law.

(8) If a vehicle is seized pursuant to subsection (7), the matter must be referred at the next available opportunity to a magistrate conducting sittings of court on the lands.

(9) An order for the forfeiture of the vehicle to the Crown may be made by a magistrate if the magistrate is satisfied—

- (a) that the vehicle has been used in connection with the supply of alcoholic liquor to a person on the lands in contravention of a by-law;

- (b) that any person who so used the vehicle has on at least one previous occasion been found guilty of the offence of supplying alcoholic liquor to a person on the lands in contravention of a regulation or by-law under this Act;

and

- (c) that in the circumstances of the case it is appropriate that the vehicle be confiscated.

(10) A court by which a person is found to have been unlawfully in possession of alcoholic liquor or a regulated substance for his or her own use in contravention of the by-laws may, subject to the by-laws, order that person to undergo treatment or participate in a rehabilitation programme prescribed by the by-laws.

(11) Subject to subsection (12), a person who contravenes or fails to comply with a regulation or by-law is liable to a penalty as follows:

- (a) if the regulation or by-law specifies a penalty (which must not exceed \$2 000)—the penalty so specified;

or

- (b) if no penalty is specified—a fine of \$2 000.

(12) A person who contravenes—

- (a) a by-law regulating, restricting or prohibiting the sale or supply of alcoholic liquor on the lands;

or

- (b) a by-law prohibiting the sale or supply of a regulated substance on the lands for the purpose of inhalation or consumption,

is liable to a fine of \$2 000 or imprisonment for two years.

(13) In this section—

- (a) a reference to a regulated substance is a reference to—

- (i) petrol;

or

- (ii) any other substance declared by the regulations to be a regulated substance for the purposes of this Act;

and

- (b) a reference to a member of the police force extends to a special constable authorized by a member of the police force to seize a vehicle under this section.

THE FIRST SCHEDULE

- (a) The North West Reserve, blocks 915, 948, 950, 953, 964, 1018, 1019, 1031, 1032 and 1217, Out of Hundreds.
- (b) Section 462, Out of Hundreds.
- (c) Pastoral blocks 1033, 1058, 1060 and 1074 and Section 1280, Out of Hundreds.
- (d) Pastoral blocks 863, 900, 907, 908 and 1165, Out of Hundreds.
- (e) Pastoral blocks 1034 and 1202, Out of Hundreds.
- (f) Pastoral blocks 1036, 1037, 1038 and 1077, Out of Hundreds.
- (g) The land in respect of which partial surrender No. 4603197 and partial surrender No. 4603198 were registered in the Register of Crown Leases.

THE SECOND SCHEDULE

1. The Stuart Highway.
2. The Oodnadatta to Granite Downs Road.

APPENDIX

Legislative History

Long title:	amended by 50, 1987, s. 3
Section 3:	amended by 50, 1987, s. 3
Section 4:	definition of "Anangu Pitjantjatjaraku" amended by 50, 1987, s. 3 definition of "the constitution" amended by 50, 1987, s. 3 definition of "the Executive Board" amended by 50, 1987, s. 3 definition of "petrol" inserted by 50, 1987, s. 4
Headings preceding section 5:	amended by 50, 1987, s. 3
Section 5:	amended by 50, 1987, s. 3
Heading preceding section 6:	amended by 50, 1987, s. 3
Section 6(1):	amended by 50, 1987, s. 3
Section 6(2):	amended by 50, 1987, ss. 3, 5
Section 7:	amended by 50, 1987, s. 3
Heading preceding section 8:	amended by 50, 1987, s. 3
Section 8:	amended by 50, 1987, s. 3
Heading preceding section 9:	amended by 50, 1987, s. 3
Section 9(1), (2), (4) - (6):	amended by 50, 1987, s. 3
Sections 11 - 13:	amended by 50, 1987, s. 3
Section 14(1), (3) and (5):	amended by 50, 1987, s. 3
Heading preceding section 15:	amended by 50, 1987, s. 3
Section 15(1) and (3):	amended by 50, 1987, s. 3
Section 17:	amended by 50, 1987, s. 3
Section 19(1):	amended by 50, 1987, s. 3
Section 19(3):	substituted by 50, 1987, s. 6(a)
Section 19(4) and (5):	amended by 50, 1987, s. 3
Section 19(5a) - (5c):	inserted by 50, 1987, s. 6(b)
Section 19(6), (7) and (9):	amended by 50, 1987, s. 3
Section 19(9a):	inserted by 50, 1987, s. 6(c)
Section 19(10) and (11):	amended by 50, 1987, s. 3
Section 19(12):	amended by 50, 1987, s. 3
Section 20(2a):	inserted by 50, 1987, s. 7(a)
Section 20(4):	amended by 50, 1987, s. 3
Section 20(5):	amended by 50, 1987, s. 7(b)
Section 20(6) and (7):	amended by 50, 1987, s. 3
Section 20(7a) and (7b):	inserted by 50, 1987, s. 7(c)
Section 20(8), (10) and (14):	amended by 50, 1987, s. 3
Section 20(14a) and (14b):	inserted by 50, 1987, s. 7(d)
Section 20(17), (20) and (21):	amended by 50, 1987, s. 3
Section 21(3):	amended by 50, 1987, s. 3
Section 21(4):	substituted by 50, 1987, s. 8
Section 21(5) and (6):	repealed by 50, 1987, s. 8
Section 22(2):	amended by 50, 1987, s. 3
Section 23(1):	amended by 50, 1987, ss. 3, 9
Section 24(1):	amended by 50, 1987, s. 3
Section 24(3):	amended by 50, 1987, s. 10
Section 26(3) and (4):	amended by 50, 1987, s. 3
Section 27(1) and (4):	amended by 50, 1987, s. 3
Section 28(1), (4), (7) and (9):	amended by 50, 1987, s. 3
Section 29(2):	amended by 50, 1987, s. 3
Section 30:	amended by 50, 1987, s. 3
Section 31:	amended by 50, 1987, s. 3
Section 32(1), (2), (4) - (6):	amended by 50, 1987, s. 3
Section 35(2):	amended by 50, 1987, s. 3
Section 36(1) and (5):	amended by 50, 1987, s. 3
Section 39:	amended by 50, 1987, s. 3
Sections 42a - 42c:	inserted by 50, 1987, s. 11
Section 42d:	inserted by 50, 1987, s. 11; expired 18 June 1987: <i>see Gaz.</i> 18 June 1987, p. 1542
Section 43(1):	amended by 50, 1987, s. 12(b)

Section 43(1)(c) and (d):

repealed by 50, 1987, s. 12(a)

Section 43(1)(f):

repealed by 50, 1987, s. 12(b)

Section 43(2):

amended by 50, 1987, ss. 3, 12(c)

Section 43(3) - (13):

inserted by 50, 1987, s. 12(d)