

1987

PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY)
AMENDMENT BILL 1987

EXPLANATORY MEMORANDUM

(Circulated by Authority of the Minister for
Aboriginal Affairs, the Hon Clyde Holding, MP)

Outline

The purpose of this Bill is to;

- to provide for an Aboriginal Land Claim to proceed over all land within the Gimbat and Goodparla Pastoral Leases which is declared part of Kakadu National Park or a Conservation Zone under the National Parks and Wildlife Conservation Act 1975.
- provide for an arrangement whereby the relevant Aboriginal Land Trust is to lease back any successfully claimed land required by the Director, Australian National Parks and Wildlife Service for the purposes of the National Parks and Wildlife Conservation Act 1975
- provide for arrangements in relation to the operation of exploration and mining rights granted over Aboriginal Land under the Lands Acquisition Act 1955 in the Conservation Zone.

Financial Impact

No financial implications directly flow from this legislation.

NOTES ON CLAUSES

Clauses 1 and 2 : Short title, etc, and Commencement

The first two clauses of the Bill provide for the short title of the Bill, with reference to the Principal Act, and the commencement of the legislation. The provisions of the Bill will come into operation on the commencement of the National Parks and Wildlife Conservation Amendment Act (No 2) 1987.

Clause 3 : Interpretation

This clause amends Section 3 of the Principal Act which provides for the interpretation of certain words and phrases. The amendments -

- (a) define "conservation zone"
- (b) define "Gimbat" and "Goodparla" in terms of the reference map in the Environment Protection (Alligator Rivers Region) Act 1978
- (c) define the "National Parks Act" and "park"
- (d) extend subsection (3) to include reference to sections 51 and 53 of the Land Acquisition Act 1955.

Clause 4 : Recommendation for grant of Crown Land, other than Schedule 1 land

This clause provides that land in a park held by the Director of National Parks and Wildlife is not required to be acquired by the Crown for the purpose of making a grant to an Aboriginal Land Trust.

Clause 5 : Grant of land to Land Trusts

This clause amends section 12 of the Principal Act:

- to provide for a reservation in the deed of grant of mining and exploration rights granted under subsections 51(1A) and 53(2A) of the Lands Acquisition Act 1955.
- to provide for an estate or interest held by the Director of National Parks and Wildlife to cease to exist when a deed of grant that relates to land in the subsection takes effect.
- to provide for a lease back arrangement with the Director of National Parks and Wildlife as being conditional to the grant of the land to an Aboriginal Land Trust.

Clause 6 : Grants of Interest

Section 40 is amended to set the conditions under which exploration and mining interests may be granted under the Lands Acquisition Act 1955 in the Conservation Zone outside the Coronation Hill project area should that land become Aboriginal land.

Clause 7 : Proclamation to be laid before Parliament

This is a procedural amendment to section 42 providing for proclamations under subsection 40(1A)(b) to be laid before the Parliament.

Clause 8 : Application of Acts authorising mining on Aboriginal Land

Section 41 is amended by the addition of sub-section (3) to provide that the Lands Acquisition Act 1955 will apply to land in the Conservation Zone when that land becomes Aboriginal land.

Clause 9 : Payments in respect of Grants

Subsection (2) of section 43 is amended to provide for a terms and conditions agreement with the relevant Land Council to be a precondition of the grant of a mining interest under the Lands Acquisition Act 1955 where a proclamation under clause 6 is made.

Clause 10 : Payments in respect of mining under Acts

Subsection (2) of section 44 is amended to require a terms and conditions agreement with the Land Council in respect of mining interests granted under the Lands Acquisition Act 1955 in the Coronation Hill Project area where the consent of the Land Council is not required.

Clause 11 : Arbitration on Agreement by Land Council

Section 45 is amended to extend the arbitration provisions of the section in respect of consent to the grant of rights under the Lands Acquisition Act 1955.

Clause 12 : Arbitration on required Agreement

Section 46 is amended to extend the arbitration provisions of the section to terms and conditions agreements in respect of mining interests under the Lands Acquisition Act 1955.

Clause 13 : Functions of Commissioner

Section 50 is amended to provide that any land within the Gimbat/Goodparla area included in a Park or Conservation Zone shall be deemed unalienated Crown land and available for claim under the Act.

Clause 14 : Roads over Aboriginal Land

Section 68 is amended to extend rights in respect of road construction to grantees of an interest under the Lands Acquisition Act 1955.