

1997

THE PARLIAMENT OF THE COMMONWEALTH
OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL
1997**

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be Moved on Behalf of
the Government

(Circulated by authority of the
Minister for Aboriginal and Torres Strait Islander Affairs,
Senator the Hon. John Herron)

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**ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY)
AMENDMENT BILL 1997**

OUTLINE

The Amendments to the Bill provide for the disposal of Aboriginal land claims:

- (a) where an Aboriginal Land Commissioner, in his report to the Minister relating to the claim, has stated that he is unable to find any traditional Aboriginal owners to the land; and those
- (b) made after the expiration of the statutory period for making land claims which expired on 5 June 1997.

FINANCIAL IMPACT STATEMENT

Financial impact of the amendments is expected to be nil.

NOTES ON PARAGRAPHS

Paragraph (1) - Disposal of land claims after hearing

This Paragraph amends Schedule 1 of the Bill by inserting items 1A and 1B.

Item 1A adds the word 'or' at the end of paragraphs 67A(5)(a) and (b) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (the Act).

Item 1B substitutes a new paragraph 67A(5)(c) in the Act the effect of which is that in relation to an area of land a land claim is taken to have been finally disposed of if in his report to the Minister in respect of the claim the Aboriginal Land Commissioner informs the Minister:

- (i) that there are no traditional Aboriginal owners of the land or
- (ii) that the Commissioner is unable to make a finding that there are traditional Aboriginal owners of the land.

Paragraph (2) - Disposal of land claims that cannot be heard

This Paragraph amends Item 2 in Schedule 1 of the Bill by substituting a new subsection 67A(6) to be added to the Act. Subsection 67A(6) provides that traditional land claims to which subsections 50(2A) and (2D) apply are taken to have been finally disposed of. Subsection 50(2A) applies to all land claims made after 5 June 1997. Subsection 50(2D) applies to land claims, over stock routes or stock reserves, in relation to which the Aboriginal Land Commissioner had not commenced an inquiry as at 1 March 1990.