Aboriginal Land Rights (Northern Territory) Amendment Bill (No. 2) 1987

Date Introduced: 18 March 1987
House: House of Representatives
Presented by: Hon. Barry Cohen, M.P., Minister for Arts, Heritage and Environment

DIGEST OF BILL

Purpose
To provide for land claims in the proposed extension of Kakadu National Park.

Background
The Aboriginal Land Rights (Northern Territory) Act 1976 (the Principal Act) provides for grants of land in the Northern Territory to its traditional owners. Most controversy about the Principal Act has centered on the mining 'veto' that may be exercised by Aboriginal land holders. Regarding the area that is to be added to Kakadu, the Lands Acquisition Amendment Bill 1987, which was introduced with this Bill, will allow mining in declared 'conservation zones' even though such areas may be the subject of a successful land claim.

This Bill forms part of a package comprising the
National Parks and Wildlife Conservation Amendment Bill 1987
Environment Protection (Alligator Rivers Region) Amendment Bill 1987 and the
Lands Acquisition Amendment Bill 1987

Also refer to the Digests of those Bills.

Main Provisions
Sub-section 12 (2C) of the Principal Act, which requires certain land to be leased back to the National Parks and Wildlife Service, will apply to the extension of Kakadu (clause 5 which will insert a new sub-section 12 (2D) into the Principal Act).

A mining interest is not to be granted on Aboriginal land that is in a conservation zone unless the Minister and the Land Council agree or the Governor-General has declared that mining is in the national interest. This will not apply to the Coronation Hill area (clause 6 which will amend section 40 of the Principal Act).

Section 41 of the Principal Act will be amended to provide that the Lands Acquisition Act 1955 will apply to land in a conservation zone (clause 8).
Where mining is to occur on Aboriginal land without the Land Council's consent, the holder of the mining interest is to enter into an agreement with the relevant Land Council regarding payment to the Land Council of a sum calculated by reference to the agreement reached between the holder of the mining interest and the Land Council (clause 10 which will insert a new sub-section 44(2A) into the Principal Act). Section 46 of the Principal Act will be amended to allow arbitration on such agreements (clause 12).

For further information, if required, contact the Science, Technology and Environment Group.

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Bills Digest Service
Legislative Research Service

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